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ABSTRACT

In describing the implications for public schools of P.L. 94-142, The Education for All Handicapped Children Act. The booklet cites reactions of local and state administrators, supervisors, and classroom teachers. The first chapter details the content of P.L. 94-142, provides comments from lawmakers and educators, and lists questions and answers about the law and section 504 of the Rehabilitation Act of 1973. A historical account of the court cases involving educational rights for the handicapped is given. Considered in subsequent chapters are the following topics: the role of state and local education agencies, early intervention, the development of individualized programs, mainstreaming, interpretations of learning disabilities, teacher training, working with parents, and architectural modifications in school facilities. (CL)

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Educating All the Handicapped

WHAT THE LAWS SAY & WHAT SCHOOLS ARE DOING

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Acknowledgement

Educating All the Handicapped is one of a series of Education U.S.A. Special Reports on current trends in school policies and programs. The purpose of the series is to provide school practitioners at all levels, and others concerned with education, with the most up-to-date information on the issues at the core of today's constantly changing education scene.

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Overview

It is the purpose of this Act to assure that all handicapped children have available to them . . . a free, appropriate public education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist states and localities to provide the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

On Nov. 29, 1975, President Ford reluctantly signed S 6—a federal law guaranteeing a "free, appropriate public education" to all handicapped children. For these children—an estimated 6 to 8 million—and their parents, it represented the culmination of a long and frustrating battle to gain a right that other children gained at birth—the right to an education.

The handicapped are, in many ways, America's last great minority. Their disabilities are a visible excuse for discriminating against them. As children, many have been shunted aside, ignored and put away in institutions where they will not be seen or disturb others. And for years the education system, rather than remedying this situation, perpetuated it by barring handicapped children at the school door. Many state education laws included phrases about how it might be "inadvisable" or "detrimental to the education of others" if handicapped children were allowed in public schools.

But all that is history. The first evidence of what has become a "quiet revolution" in American education occurred in 1971 when the Pennsylvania Assn. for Retarded Children sued that state on behalf of 13 retarded children. Their contention was simple enough. Since the U.S. Constitution guarantees equal protection under the law and the state constitution guarantees a free, public education for all, how can one group—the handicapped—be systematically denied this right? The court agreed with the plaintiffs and, in a landmark ruling, ordered the

state to begin educating all its mentally retarded and other handicapped children.

Not long after, a similar suit in Washington, D.C., brought an order from U.S. District Judge Joseph Waddy stating that all handicapped children have a right to "a suitable, publicly supported education, regardless of the degree of the child's mental, physical or emotional disability or impairment." Waddy also exploded another argument that the board of education had used as a partial defense. "If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the [school] system, then the available funds must be expended equitably in such a manner that no child is entirely excluded," he said. The financial problems of a school system "cannot be permitted to bear more heavily on the exceptional or handicapped child than on the normal child," the ruling said.

By 1972, the dike was broken—and similar suits appeared in almost every state. The parents of handicapped children and their advocacy groups won every one. State legislatures—partly to comply with the court orders and partly at their own initiative—began passing comprehensive laws to guarantee and fund an education for all handicapped children. The federal role had been largely limited to funding exemplary projects and helping colleges train special teachers for the handicapped. But by 1975, Sen. Harrison Williams, D-N.J., chairman of the Labor and Public Welfare Committee, and Rep. John Brademas, D-Ind., chairman of the subcommittee on select education programs, brought their handicapped education bill to the floor of the Senate and the House. It passed overwhelmingly—87-7 in the Senate and 404-7 in the House. The federal government thereby promised to help fund the education of handicapped children. Williams said the legislation was not only a "civil rights bill for the handicapped," but could also lead to a "rebirth" of American education.

Still, most American educators weren't as jubilant. The mood was then—and is now—one of anxiety. No one has criticized the intent of the law in any way, but many have serious doubts as to whether school systems can comply with the mandate that Congress has prescribed. President Ford pointed out some of these concerns when signing the bill. "Unfortunately," he said, "this bill promises more than the federal government can deliver, and its good intentions could be thwarted by the many unwise provisions it contains." The funding authorization levels, which start out rather low but rise sharply through 1982, are "excessive and unrealistic," Ford said, and "are falsely raising the expectations" of handicapped children, their parents and school officials. Almost all the complaints about the law touched on this point—it was going to be very expensive to educate every handicapped child. Many local school officials realized this. With the community up in arms about rising

The Alphabet Soup of Special Education

AH—Auditorially handicapped
CEC—Council for Exceptional Children (prime lobbying group for the handicapped)
CP—cerebral palsy
DL—developmental lag
ED—emotionally disturbed
EMR—educable mentally retarded
GE—grade equivalent
IEP—individualized education program (required for all handicapped children)
LD—learning disability
MBD—minimal brain damage
MH—multiply handicapped
NI—neurologically impaired
OH—orthopedically handicapped
PI—perceptually impaired
SED—socially & emotionally disturbed
SLD—specific learning disability (exactly the same as **LD**)
SM—socially maladjusted
SPH—severely and profoundly handicapped
TMR—trainable mentally retarded
VI—visually impaired
BEH—Bureau of Education for the Handicapped (**USOE, HEW**)
FAPE—free appropriate public education (new **BEH** jargon)
PL 93-380 & PL 94-142—the federal laws on educating the handicapped in 1974 and 1975 respectively
NACH—National Advisory Committee on the Handicapped

school costs while enrollments decline, school officials were now going to have to explain just how expensive special education for the handicapped could be.

Then U.S. Commissioner of Education Terrel Bell said the law went far beyond any other education measure in dictating the means, not just the ends, of education policy. Congress has, he said, become like "a super school board." State legislators, fresh from battles over funding their state's special education laws, said the federal law—with its voluminous paperwork requirements and staggering costs—could cause a backlash against special education. The criticisms of the law, most of which were well-reasoned and justifiable, could fill this report.

But perhaps they're not the true story. For this report, *EDUCATION U.S.A.* distributed a questionnaire on special education to more than 1,000 subscribers. The respondents included superintendents, principals and local special education directors. One question asked: What problems, if any, do you foresee in complying with the federal law (PL 94-142) requiring a "free, appropriate education" for all handicapped children? This was a chance for the educators to vent some of their anger about federal "intrusion" and federal paperwork. Some did refer to "mind-boggling" and "interminable" bureaucratic red tape. Many mentioned the lack of money or a shortage of trained personnel. Rural school officials were particularly concerned about the problems of serving "low incidence" severely handicapped children. But the large majority of respondents answered simply, "None." Others elaborated a bit. "At this time, we have no problem in complying with the law, nor do we foresee any in the future," wrote a Maine superintendent of schools. A principal from Brooklyn, N.Y., added, "We have been committed to providing a full education for all our handicapped children since 1973."

Perhaps they are "terribly optimistic" and don't understand all the requirements of the law, suggested one official of a national education organization. Maybe what they see as an appropriate education for handicapped children is not that set by current standards, suspected an official of a handicapped advocacy group. But perhaps it shows something else. It may mean simply that American educators have accepted the moral imperative to educate handicapped children—without being told to do so by any court or legislature. It is costly; and it requires adjustment in school staffing, facilities and administration. But it is the "right" thing to do. Some have said that American education has moved from the era of "education for all" to "education for each." Nowhere is that subtle distinction more evident than in making the commitment that each child, no matter what disability he or she might have, will receive a full education and an opportunity to lead a healthy and productive life.

Chapter 1.

Mandated Education—What the Laws Say

The Education for All Handicapped Children Act of 1975 (PL 94-142) is unique among aid to education laws. It mandates publicly supported education for all handicapped children aged 3 to 17 (by Sept. 1, 1978) and aged 3 to 21 (by Sept. 1, 1980)—unless it is "inconsistent" with current state laws. Many educators and others have long advocated early childhood education, but this requires it—at least for the handicapped.

Secondly, it requires school officials to draw up an individualized education program for every handicapped child. Again, many have advocated individualized education—and this mandates it. The law is decidedly different from other federal education measures in the way it specifies action to be taken by state and local officials. Recognizing that education is primarily a state and local function, most federal education laws take a "hands off" approach in telling educators how the program should be run. Aid programs like Title I of the Elementary and Secondary Education Act give grants to school districts that must then spend the funds to educate disadvantaged children. But that's about as far as the federal government usually goes in telling how it's to be done. The handicapped law sets specific standards—like who has to sit in on what meeting and what records must be kept by the school district. These standards must be followed regardless of what federal money is available. Even if federal aid is "a drop in the bucket" (as low as $70 per child in fiscal 1978), states and school districts must meet all the requirements of the law or be faced with a noncompliance suit from the federal government.

This chapter will spell out the language of the law, how it was interpreted in the proposed federal regulations and what both of them mean. The law includes:

601. General Provisions
602. Definitions
603. Bureau of Education for the Handicapped

605. Equipment and Construction
606. Employment of the Handicapped
607. Architectural Barriers
611. Entitlements and Allocations
612. Eligibility
613. State Plans
614. Applications
615. Procedural Safeguards
616. Withholding and Judicial Review
618. Federal Evaluation
619. Early Childhood Grants
620. Payment

The law begins with a "statement of findings." But the word "findings" should not be taken literally. Instead, this is what the congressional committees were told during testimony, and what they chose to believe. (Later evidence has shown that many of the assumptions upon which the law was based, like the number of unserved children, may have been inflated.) Congress found that:

- There are more than eight million handicapped children in the U.S. today;
- The special educational needs of such children are not being fully met;
- More than half of handicapped children in the U.S. do not receive appropriate educational services;
- One million of the handicapped children in the U.S. are excluded entirely from the public school system and will not go through the education process with their peers;
- There are many handicapped children . . . participating in regular school programs . . . whose handicaps are undetected;
- Because of the lack of adequate services within the public school system, families are often forced to find services outside the public school system—often at great distance from their residence and at their own expense;
- Developments in the training of teachers and in diagnostic and instructional procedures have advanced to the point that, given appropriate funding, state and local educational agencies can and will provide effective special education;

- State and local education agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate;

- It is in the national interest that the federal government assist state and local efforts to provide programs to meet the education needs of handicapped children in order to assure equal protection under law.

These are the problems as Congress initally saw them. They saw a public education system that had not come to grips with the problem of educating its handicapped children. They saw thousands of children being denied a chance for an education. And they saw a need for large amounts of federal aid to help schools carry out the costly job of adequately serving their handicapped children.

Definitions

Section 602 includes the definitions used in the law. **Handicapped children** are "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired or other health impaired children, or children with specific learning disabilities who by reason thereof require special education and related services." The regulations elaborate on some of these points. **Deaf** means "a hearing impairment which is so severe that the child's hearing is nonfunctional" in school, while **hard of hearing** means "an impairment, whether permanent or fluctuating, which adversely affects a child's educational performance." **Mentally retarded** means "significantly subaverage general intellectual functioning," which also includes "deficits in adaptive behavior." **Orthopedically impaired** means "a severe orthopedic impairment which adversely affects a child's educational performance." This includes "impairments caused by congenital anomally (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.)."

Other health impaired means "limited strength, vitality or alertness, due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia or diabetes." **Seriously emotionally disturbed** means "a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual,

sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, or fears associated with personal or school problems." The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted but not emotionally disturbed. With all this verbiage, it would seem that the U.S. Office of Education is concerned that the category "emotionally disturbed" is a rather vague concept in many people's minds.

Also in the law, **speech impaired** means "a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance." **Visually handicapped** means "a visual impairment which, after correction, adversely affects a child's educational performance." This includes "both partially seeing and blind children."

Special Education

Special education means "specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions." Related services, which must also be provided, include "transportation and such development, corrective and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychology services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes." The term also includes "school social work services, parent counseling and training, providing parents with information about child development, and assisting parents in understanding the special needs of their child." **Audiology** is defined as (a) identification of children with a hearing loss; (b) determination of the range, nature and degree of the hearing loss, including referral for medical or other professional attention for the habilitation of hearing; (c) provision of habilitative activities, such as language habilitation, auditory training, speech, reading, hearing evaluation and speech conservation; (d) creation and administration of programs of hearing conservation; and (e) counseling and guidance of pupils, parents and teachers.

Two other vitally important terms are defined in the law, but not in the regulations. The term **"individualized education program"** means a

"written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate education unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child; which statement shall include (a) a statement of the present levels of educational performance of such child; (b) a statement of annual goals, including short-term instructional objectives; (c) a statement of the specific educational services to be provided to such child and the extent to which such child will be able to participate in regular educational programs; and (d) the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved."

Federal funds can only pay for the **"excess costs"** of educating handicapped children. This means "those costs which are in excess of the average annual per student expenditure in a local education agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting amounts received under this part or under Title I or Title VII of the Elementary and Secondary Education Act which would qualify for assistance under this part or under such titles."

Employment and Architecture

Section 603 says the federal program will be administered by the Bureau of Education for the Handicapped (BEH) in the U.S. Office of Education. BEH also has responsibility for teacher training and research in educating the handicapped.

Federal funds may be used for the acquisition of equipment or the construction of "necessary facilities," according to Section 605. If within 20 years the facility is no longer used for the purpose it was constructed for, however, the federal government "shall be entitled to recover" its portion of the cost that was paid out of federal funds.

Each recipient of federal assistance, which means just about everyone, "shall make positive efforts to employ, and advance in employment, qualified handicapped individuals," according to Section 606. The U.S. commissioner of education is authorized to "make grants to pay part or all of the costs of altering existing facilities" so that barriers for handicapped individuals can be removed. These two provisions—employment of the handicapped and removing architectural barriers—took effect when the bill was signed into law in

November 1975. The amount authorized to remove architectural barriers is "such sums as may be necessary." But, so far, Congress hasn't appropriated any money for this section, and the Carter Administration did not request any funds for it for fiscal year 1978.

Entitlements and Allocations

Federal funds will be allocated to each state based on the number of handicapped children aged 3 to 21 who are receiving special education and related services. A count of the number of handicapped children being served in each state must take place each October 1 and February 1. An average of the two will determine the official count.

The funding formula is based on a percentage of the average per pupil expenditure (APPE) in public elementary and secondary schools. This formula determines the total pot of money to be divided up among the states. Beginning in fiscal 1978 (or as of Oct. 1, 1977), the law authorizes 5% of the APPE multiplied by the total number of handicapped children being served. This formula rises sharply to 10% in fiscal 1979, 20% in fiscal 1980, 30% in fiscal 1981 and 40% in fiscal 1982 and thereafter. For example, if the average per pupil expenditure was $1,400, then 5% of this would be $70. If, during the 1976-77 school year, there were 5 million handicapped children, the authorization would be: 5,000,000 × $70 = $350,000,000.

One question: why did special education advocates set up such a formula, starting low and rising sharply? Good political sense probably dictated it. It would be very hard to get Congress to accept a new program starting out with a $3 billion per year price tag. But a $300 million authorization in the first year apparently didn't sound too bad. Supporters of the law are counting on educators—hardpressed to meet the law's requirements—to pressure Congress to come up with the extra funding in succeeding years.

Section 611 contains a number of other funding provisions. One is a "hold harmless" clause, stating that "no state shall receive an amount" that is less than that it received in fiscal 1977. In addition, Guam, American Samoa, the Virgin Islands and the Pacific Trust Territories are limited to 1% of the total appropriation. Other states get their share based on the number of children being served and each state's percentage compared to the nation as a whole. If the national child count is 5 million and one state is serving 500,000 of these, or 10%, then it would get 10% of the federal appropriation. But there are limitations on whom a state can count. Its total handicapped count cannot exceed 12% of its school age (5-17) population. Also, the number who are learning dis-

abled may not exceed one sixth of that, or 2% of the school age population. And no child counted for funding under the Elementary and Secondary Education Act (ESEA) can be included in the handicapped count.

Administration

In fiscal 1978, a state could spend 50% of its federal grant for "support services" or direct services to school districts, with the other 50% passed directly through to local education agencies. In fiscal 1979, this formula changes so that only 25% can be retained by the state while 75% passes to the districts. In both cases, the state can spend only 5%, or $200,000, of its grant, whichever is greater, for administration. A number of states have contended that this won't even begin to cover the cost of running the federal grant program.

Local and intermediate education units, upon submitting an acceptable application to the state, are entitled to a share of the federal money that is proportional to the number of handicapped children aged 3 to 21 that they are serving—as compared to the state total. However, "no funds will be distributed to any local education agency or intermediate unit which is entitled to less than $7,500." In such a case, the state is empowered to require a joint application from two or more school districts.

Eligibility

To be eligible for federal money, each state "shall demonstrate" that it assures all handicapped children the right to a free, appropriate education, and that it is proceeding on a timetable to a "goal of providing full educational opportunity" for them. By Sept. 1, 1978, the free, appropriate education must be available for the 3 to 17 age group (and by September 1980 for the 3 to 21 age group) unless the requirement "would be inconsistent with state law or practice, or the order of any court." Jack Jones of BEH's Aid to States branch says the requirement is inconsistent with the laws of more than half the states. If state law requires education from age 4 to 17, then that state will have to educate all its handicapped children from age 4. But it would not be required to educate those under age 4.

In what has turned out to be a very controversial provision, the law says the state must "establish priorities . . . first with respect to handicapped children who are not receiving an education, and, second, with respect to handicapped children within each disability with the most

Lawmakers and Educators Speak Out

"The Education for All Handicapped Children Act is a true landmark measure and the most significant development in our national elementary and secondary program since Title I was enacted 10 years ago. To me, it is a key to a rebirth of education."

Sen. Harrison Williams, D-N.J., sponsor of the bill

"This is a bipartisan bill . . . which represents a responsible and constructive effort to provide for the needs of our handicapped children. For the first time, the Congress and not just the courts has made sure that these children have an absolute right to an education, and we have written, I think, adequate provisions which will protect these rights."

Rep. Albert Quie, R-Minn., ranking minority member, House Education and Labor Committee

"This bill promises more than the federal government can deliver . . . and even its strongest supporters know as well as I that they are falsely raising expectations by claiming authorization levels which are excessive and unrealistic. It also contains a vast array of detailed, complex and costly administrative requirements which would unnecessarily assert federal control over traditional state and local functions."

President Gerald Ford, upon signing the bill into law

"When a special interest group so dominates the political process that it writes the bill to meet its particular agenda and not the agenda of the public at large—the parent of the normal child, the normal child, the taxpayer, etc.—you're creating a disservice. Unless special education begins to compete in a very responsible way with the disadvantaged and the normal child and tries to fit its program in with overall education, they're creating an imbalance in the political process which will be corrected by a backlash."

John Callahan, education director for the National Conference of State Legislatures, on National Public Radio's *Options in Education*

"The Education for All Handicapped Children Act accelerates the trend toward senseless federal disruption of the governance and administration of our public schools. It suggests a consistent pattern: in pursuit of a praiseworthy goal, great promises are made and ambitious legislation enacted. But resources never meet the size of the promises . . . and, in the end, an administrative nightmare emerges. It's not enough to want to do good; we must do good wisely."

John Pittenger, former Secretary of Education in Pennsylvania

"We must attempt to enable all our people to reach their full potential. I will implement the Education for All Handicapped Children Act as swiftly as possible to ensure that all children in this nation can receive a high quality public education. I believe that this is an important and worthwhile use of our limited public funds."

President Jimmy Carter

severe handicaps who are receiving an inadequate education." The proposed regulations issued by BEH strengthened this language considerably. The funds "must be expended to provide a free, appropriate public education to all first priority children [those previously not identified or served] and may not be used for second priority children until this requirement is met."

As Frederick Weintraub of the Council for Exceptional Children pointed out, this regulation not only goes beyond the law, but it would be self-defeating. It would deny funds for training teachers to work with the severely handicapped—the same children that this priority provision is intended to benefit. In a clarifying point, BEH said it was not "imposing any age priorities." If the state law says handicapped children aged 5 to 17 must be served, the federal priorities don't apply to those younger or older who are unserved, BEH stated.

The state must also establish requirements for (1) local agencies to draw up individualized education programs for each child; (2) procedural safeguards for children and parents (described further in Section 615); (3) tests and evaluations in the child's native language or "mode of communication" which are not racially or culturally discriminatory; and (4) "to the maximum extent appropriate" have handicapped children educated with children who are not handicapped and provide that "special classes, separate schooling or other removal of handicapped children from regular educational environments occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." This is the much talked about "mainstreaming" provision.

State Plans

A state must submit a detailed annual plan to get federal funding. For example, the state must have "a comprehensive system of personnel development," including "inservice training of general and special educational personnel" and "effective procedures for acquiring and disseminating to teachers and administrators . . . significant information derived from educational research, demonstration and similar projects."

Private schools are not excluded from the law. Each state must make special education and related services available to handicapped children in private schools, who have been referred there. This school must also meet all the federal requirements.

Federal handicapped funds may not be "commingled with state funds" and must be used "to supplement and increase the level" of state

and local efforts and "in no case to supplant" these state and local monies. In the only exception, BEH can waive this requirement "in part" if the state furnishes "clear and convincing evidence" that all its handicapped children are getting a free, appropriate education. The prohibitions against "commingling" and "supplanting" funds usually give states an accounting headache, and, if the past repeats itself, will lead to a series of federal auditor's suits against the states. If such a case develops, the federal government is covered. The law requires "such fiscal control and fund accounting procedures which will assure proper disbursement of, and accounting for, federal funds."

Each state must also have an advisory council, with handicapped individuals as well as educators as members, to consider "unmet needs." As part of this effort, states must continue to seek out and identify unserved handicapped children.

Local Applications

A district or intermediate unit must submit a similarly detailed plan to the state before it can receive federal money. For the most part, the assurances, goals and requirements mandated in the state plan are repeated for the local plan. As such, the district must seek to identify unserved children, have a timetable for offering full service, mainstream whenever possible and have parents or guardians participate in the planning of the child's program. In addition to the spending provisions covering "excess costs" and "supplanting," the district must also show it is providing handicapped classes and schools with services "at least comparable" to those in regular classes. The language is identical to the comparability requirement in Title I, ESEA. This can also lead to a nightmarish accounting problem.

Each handicapped child must participate in physical education, according to the regulations, either in regular classes or in a "specially designed" program. In all cases, the physical education program must be "comparable" to that for regular students. Why the special concern for physical education? Because Congress says it is an "integral part" of a handicapped child's education.

Record keeping will also be a preoccupation for school districts. The district must furnish the state "such information as may be necessary" to evaluate the program, "including information relating to the educational achievement of handicapped children." The state has a right to inspect any of the district's records "to assure (their) correctness." All "pertinent documents" used in drawing up the local plan must also be available to parents, guardians and other members of the general public. "All evaluations and reports required by the state shall be public

Timetable for the Education for All Handicapped Children Act

- October 1, 1976 (and every Oct. 1 thereafter)—States count the number of handicapped children being served, the first of two annual counts reported to U.S. Office of Education.

- February 1, 1977 (and every Feb. 1 thereafter)—Second handicapped children count of the year.

- April 1, 1977 (and every April 1 thereafter)—USOE reports an average of the two counts; these figures are the basis for federal payments in the following fiscal year.

- October 1, 1977—Most provisions of new law go into effect, including those requiring an individual education plan for each handicapped child. Also, first allocations under new formula—5% of the average per pupil cost.

- September 1, 1978—All handicapped children aged 3 to 18 are guaranteed by law a free, appropriate public education.

- October 1, 1978—Funding formula jumps to 10% of APPE. Also, 75% of federal funds now go directly to local education agencies.

- October 1, 1979—Funding formula rises to 20% of APPE.

- September 1, 1980—Free, appropriate education guaranteed for everyone aged 3 to 21.

- October 1, 1980—Funding formula jumps to 30% of APPE.

- October 1, 1981 (and thereafter)—Funding formula is 40% of APPE.

information," the law states. At the same time, the district must preserve the confidentiality of any "personally identifiable information" about any handicapped child.

The state "shall approve" a local application that meets these requirements. If, however, the state, "after reasonable notice and opportunity for a hearing," finds a school district has failed to comply, it should stop federal payments to the districts, and, if necessary, take over responsibility for educating the district's handicapped students. In such a case, the state will use the district's federal money and place the children in programs "it considers appropriate."

On the other side of the coin, if a district is "adequately providing a free, appropriate public education" to all its handicapped children, the state "may reallocate" its share of the funds to districts that are not doing as well. These last two provisions require the state education agency to walk a tight wire. If a district is not serving all its handicapped children adequately, it should stop payments to it. However, if it is "adequately" serving them, it should transfer its funds to others. In addition to this dilemma, the second provision seems to be a disincentive for districts to develop first rate programs with local funds, because in doing so they risk losing their share of the federal money. Several state directors of special education have already stated they do not intend to use these powers to withhold or reallocate local shares of federal money.

Procedural Safeguards

In one of its most controversial parts, Section 615, the law establishes strict procedural safeguards for handicapped children and their parents. The rights of parents or guardians "shall include but shall not be limited to" the right to (1) examine all relevant records with respect to identification, evaluation and educational placement; (2) obtain an independent educational evaluation of their child; (3) "written prior notice"—in their native language—of any proposed action like change in the identification, evaluation or placement of the child; and (4) a chance to "present complaints" about any action.

If parents or guardians have complaints, they have a right to an "impartial due process hearing" with a hearing officer who is not an employe of any state or local education agency. At such a hearing, a parent has the right "to (1) be accompanied by counsel or by a person with special knowledge of their child's condition; (2) present evidence and confront, cross-examine and compel the attendance of witnesses; (3) have a written or electronic verbatim record of the hearing;" and (4) have written copies of findings and decisions during the hearing. "Any

party aggrieved" by the result of the hearing has a right to appeal to the state for an "impartial review." If a party is still not satisfied, they may bring a civil action in state or federal court.

On the plus side, these elaborate due process standards may help resolve disputes and keep them out of the courts. They also assure parents their right to be involved in vital placement decisions about their child. On the other side, many school administrators are fearful that they may be deluged with costly, time-consuming hearings. As Edward Keller, deputy director of the National Assn. of Elementary School Principals, suggested in public hearings on the BEH regulations, a few such "impartial due process hearings" in a year would more than eat up the total amount of federal aid that a school will be receiving under the law. The American Federation of Teachers has also protested what seem to be unilateral rights. Parents have the right to compel witnesses, like teachers, to attend due process hearings. Education groups making similar complaints have run into a roadblock. Congressional sponsors of the law suggest that these sorts of problems can be "taken care of in the regulations." But BEH replies by saying that it is only following what the law says.

Withholdings and Judicial Review

If a state fails "to comply substantially" with any provision of its state or local plans, the U.S. Commissioner of Education should notify the state and then stop its payments of federal handicapped funds, according to Section 616. Within 60 days, the state may appeal to a U.S. Circuit Court of Appeals. However, the law says, the "finding of fact by the Commissioner, if supported by substantial evidence, shall be conclusive." But the federal appeals court does have the power to "set aside" the Commissioner's decision.

Administration and Evaluation

BEH is required to compile extensive statistical and evaluation material on state and local programs for the handicapped. For example, BEH must prescribe "a uniform financial report" for the states. Each year, it must also report to Congress state-by-state figures on:

- the number of children, by disability, needing special education;
- the number receiving this education;
- the number in regular and separate classrooms;

- the number in private institutions;
- the amount of federal, state and local money available for special education;
- the number of special educators now employed and additional ones needed.

The report must also include "an analysis and evaluation of the effectiveness" of each state and local program.

Finally, the law also establishes "incentive grants" for educating handicapped children under age 5. These grants can range up to $300 per child, and they could have a more important effect on programs in some states than the regular funds because they are focused on improving one area—early childhood education. The catch is that Congress must also provide a special appropriation for this purpose.

Rehabilitation Act of 1973: How Section 504 Applies

If the Education for All Handicapped Children Act and its slew of federal regulations aren't confusing enough, there is the Rehabilitation Act of 1973 and its now famous Section 504. It simply states:

> *No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*

This provision is quite similar, both in intent and language, to the Civil Rights Act of 1964 and to Title IX of the Education Amendments of 1972. While these ban race and sex discrimination respectively, Section 504 bans discrimination against handicapped individuals in all programs "which receive or benefit from" federal aid. In public education, that means just about everyone.

HEW's Office for Civil Rights (OCR) has responsibility for enforcing Section 504. And from this one-sentence acorn grew more than 20 pages of federal regulations. On elementary and secondary education, these proposed regulations usually repeat the language of BEH's regulations. However, Section 504 adds a whole new dimension to the federal enforcement of education for the handicapped. The Education for All Handicapped Children Act is essentially a federal grant program, which, like all others, sets requirements for those receiving the federal funds. If a school district or state turns down federal funds under PL 94-142, it would not have to meet the law's requirements, like drawing up an

Questions and Answers on PL 94-142 and Section 504

Q. What happens if a state refuses to participate in the PL 94-142 program?

A. This is somewhat of an open question. Theoretically, nothing would happen if a state could prove that it was already adequately educating all its handicapped children. In its proposed regulations published in the Dec. 30, 1976, *Federal Register*, the U.S. Office of Education (USOE) says, "a state which elects not to receive a grant under this law is not subject to its provisions. However, if the state receives any federal financial assistance, it still would have to meet the basic rights provisions under Section 504 of the Rehabilitation Act of 1973." This includes the right to an equal education, due process, the least restrictive environment and nondiscriminatory testing, USOE says.

Q. What if a local education agency refuses to accept the federal money?

A. Again, nothing. But the state would be responsible for seeing that the school district was adequately serving all its handicapped children.

Q. Are other public agencies (state departments of mental health, etc.) responsible for complying with this law as well?

A. USOE's answer in the proposed regulations is a long-winded "yes."

Q. Do schools have to pay the cost of room and board for handicapped children?

A. "Whenever placement in a public or private residential program is necessary to provide a free, appropriate public education to a handicapped child, the cost of the program, including room and board, must be at no cost to the parents of that child," according to the USOE proposed regulations.

Q. Does a state or school district have to serve children from age 3 up to age 21?

A. No, not if this would be "inconsistent" with state law. Certainly, the law encourages it. And "if the state does in fact make available public education to children in any of these age groups (e.g., 4-18), then free, appropriate public education must be available to all handicapped children in that age group."

Q. Must private schools comply with the law's requirements, like those for an individualized education program?

A. If the child is referred there from the public school system, as most are, the answer is "yes." However, if parents turn down the opportunity for free, publicly supported education for their child and choose to send him or her to a specific private school, that school is not responsible for complying with standards in the law.

Q. What if a state or school district identified more than 12% of its students as handicapped?

A. The state or school district must adequately serve all handicapped children, even if the number goes above 12%. However, the federal government will not reimburse it for any above 12%.

Q. What if parents do not attend the meeting for planning their child's educational program?

A. Schools are required to make every effort to ensure parental attendance. The meeting must be scheduled "at a mutually agreed on time and place." If neither parent can attend, the schools "shall use other methods to ensure parent participation, including individual or conference telephone calls. If the parent still refuses to participate, the meeting must proceed but the school must have (1) detailed records of telephone calls made or attempted to the parents; (2) copies of correspondence sent to parents and any responses received; and (3) detailed records of visits made to their home or place of employment.

Q. What if a child doesn't have a parent or guardian to represent him or her?

A. The school must appoint a surrogate. However, this person cannot be an employe of the state or local education agency.

individualized education program for each child.

But then Section 504 comes into play. Since normal children are guaranteed a right to an education, handicapped children must be given the same opportunities, it says. If OCR found they were not, it could cut off **all** federal funds. The state or district would also open the door for lawsuits from the parents of handicapped children. In a nutshell, Section 504 means that those considering not taking federal funds for educating the handicapped because of the burdensome rules and regulations face much the same mandate from Section 504.

Barriers to Opportunity

Section 504 regulations specifically prohibit architectural barriers in new or old school buildings from standing in the way of a handicapped person's educational opportunity. A school "program or activity, when viewed in its entirety, must be readily accessible to handicapped persons." The key phrase is "in its entirety." Thus, not every classroom nor even every building need be absolutely barrier free. If, for example, a high school student who is confined to a wheelchair wants to take biology, the school must make a biology lab available. This could mean installing elevators in an old building, which is a costly undertaking; but more likely, a class on the first floor can be converted if one is not there already.

Courses like physical education, art or music must be offered to handicapped students, even if equipment and facilities must be redesigned to meet their needs. OCR says the student should be served in "the most normal setting feasible"—their phrase for mainstreaming—but this does not necessarily mean in a regular classroom. An orthopedically impaired student in physical education must receive "equivalent, but not identical" instruction.

OCR has opted to allow some flexibility in meeting the barrier-free standard. Schools that have a problem must develop a "transition plan" and then be in compliance within three years. The plan should:

- identify the physical obstacles that limit accessibility;
- establish priorities in providing the "most essential" services;
- describe the methods of achieving accessibility;
- provide a schedule;
- involve interested handicapped individuals in the compliance plan.

New construction must meet ("at a minimum") the accessibility standards of the American National Standards Institute.

Finally, OCR says it will consider the possibility that a cooperative venture among several schools could meet compliance standards. But if such a plan involved transporting a child for considerable distances or segregating children, the plan would probably be rejected.

Schools as employers must also "make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employe." All handicapped applicants who can perform "the essential functions" of a job must get equal consideration. Both President Carter and HEW Secy. Joseph Califano Jr. have promised to vigorously enforce these rules on fair treatment of handicapped citizens. The final regulations on Section 504 were published in the May 4, 1977, *Federal Register*.

Chapter 2.

Rights for Handicapped Were Won in Court

State and federal courts laid the groundwork for legislatures to require an appropriate education for the handicapped. As with other minorities and victims of social discrimination, the handicapped won their right to a public education in court. And since states have the legal responsibility for education, it was in state courts where the battles were fought.

In 1971, Nancy Beth Bowman, a retarded child, along with the Pennsylvania Assn. for Retarded Children, sued the state on a very simple principle. The state constitution guarantees a free, public education for all, so how could retarded and other severely handicapped students be excluded? On Nov. 12, 1971, a three-judge panel ruled that "as soon as possible, but in no event later than Sept. 1, 1972, every retarded person between the ages of six and 21 will have access to free public programs of education and training appropriate to their learning capacities." The decision went on to state:

> Expert testimony in this action indicates that all mentally retarded persons are capable of benefitting from a program of education and training; that the greatest number of retarded persons, given such education and training, are capable of achieving self-sufficiency, and the remaining few, with such education and training, are capable of achieving some degree of self-care; that the earlier such education and training begins, the more thoroughly and the more efficiently a mentally retarded person will benefit from it, and whether begun early or not, that a mentally retarded person can benefit at any point in their life and development from a program of education and training. Having undertaken to provide a free public education to all of its children . . . the Commonwealth [of Pennsylvania] may not deny any mentally retarded child access to a free public program of education and training.

The Pennsylvania case answered the first question by saying that all children, regardless of their handicap, do have a right to an education. But a year later, the District of Columbia Board of Education was in court arguing that it could not "divert millions of dollars" of funds to

special education, because to do so "would be inequitable to children outside the alleged plaintiff class." Judge Joseph C. Waddy ruled on August 1, 1972, that the "court is not persuaded by this contention." His decision states:

> The Board of Education is required by the Constitution of the United States, the District of Columbia Code and its own regulations to provide a publicly-supported education for these 'exceptional' children. Its failure to fulfill this clear duty to include and retain these children in the public school system, or otherwise provide them with publicly-supported education, and their failure to afford them due process hearing and periodical review, cannot be excused by the claim that there are insufficient funds. The District of Columbia's interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable . . . then available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly-supported education. The inadequacies of the District of Columbia Public School System, whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the 'exceptional' or handicapped child than on the normal child.

So, not only does a state have to provide an education for its handicapped children, but a lack of money is no excuse for an inadequate program. These two decisions led to a series of similar suits elsewhere. The advocates of education for the handicapped have yet to lose such a case. Perhaps equally important, state legislation then followed to fund the programs mandated by the courts.

Within the past year or two, there has been little litigation over the rights of the handicapped. It is unclear whether this is the calm after the storm or merely the "eye" in the middle of it. Almost none of the respondents to the *EDUCATION U.S.A.* survey could cite a new case in their area or could foresee any in the near future. But a few are still wary. "We don t have any cases in court now, but I'm counting on parents to find something to sue over," one wrote.

Fewer Court Suits

Certainly the due process provisions in the federal and state laws are partly responsible for the decline in litigation. Each placement decision could end up in court, but parents have the right to request a hearing to

settle the matter. Only the most bitter or irreconcilable dispute or placement problem can now end up in court. Pennsylvania is currently averaging 60 due process hearings per year—but at least they are not court suits.

This is not to say there won't be any suits over special education. One type of suit that has arisen in several states—Virginia and California, for example—involves tuition reimbursements for private schools. The state may commit itself to pay all or a percentage of a child's tuition in a special private school. But because of state budget cutbacks or soaring education costs, the state may come up short and have to prorate its aid. This leaves the state wide open for a suit from parents.

John Alzamora, Pennsylvania's assistant attorney general and counsel to the bureau of special education, foresees another dilemma. Since the state funds private school placements for children who can't be adequately served in a school district, the state education agency must approve them. But some are charging exhorbitant fees—as much as $15,000 a year and up. If the state rejects such a placement request because it can't afford the high cost, parents can then claim—with validity in some cases—that their child is being deprived of the right to an appropriate education.

Another such problem in Pennsylvania illustrates the concern over mainstreaming. The Pennsylvania Assn. for Retarded Children and other special education interest groups have threatened to sue the state if it continues to segregate children in separate schools in violation of the "least restrictive alternative" principle. But the intermediate unit in Allegheny County, surrrounding Pittsburgh, has chosen to build a series of separate schools. A state official described them as "first class facilities," and the local association for retarded citizens is threatening to sue if handicapped children lose them in favor of being mainstreamed into regular schools. The question would be, what constitutes an appropriate education for handicapped children?

How Much Is Enough?

This question has never really been answered. How much is enough? As former HEW Secy. David Mathews pointed out, equal treatment for the handicapped is considerably more difficult to regulate and enforce than, for example, equal treatment for blacks under the Civil Rights Act. There, the goal of equal treatment was identical treatment—but for the handicapped, equal treatment could constitute discrimination. In its Section 504 regulations in the Rehabilitation Act of 1973, HEW opted to require "equivalent, but not identical" services in areas like physical education. But there are still questions as to what is equivalent.

The regulations on individualized education programs require schools to list and to provide "all needed services" by September, 1978. Several survey respondents said they expected some parents to test the definition of "appropriate" education or to sue over an alleged failure to provide "all needed services."

Another question that is still legally unresolved is that of what rights do children have when they are opposed by their parents. A case before the U.S. Supreme Court could help resolve this issue. In 1975, a federal district court in Philadelphia ruled that a child had full due process rights, independent of those of the parents, before he/she could be committed to a mental hospital or a residential treatment center. The court specifically stated that the child deserved prior notice of hearings and had the right to be represented by separate counsel.

The case is *Bartley* v *Kremens*. Organizations like the American Psychological Assn. (APA), the National Assn. for Mental Health, the American Bar Assn. and the Children's Defense Fund are supporting the young plaintiff. In its amicus curaie brief, APA says the courts "previously recognized that involuntary commitment to a mental facility involves a 'massive curtailment of liberty' . . . and such a deprivation must be attended by due process procedural safeguards. The same rudimentary protections deemed necessary for adults must also apply to children."

In addition, APA contends that screening by physicians often reflects the parents' and family's interests more than those of the child. "The physician's decision is heavily influenced by the parents' attitude toward the child . . . and in instances such as the Bartley case, the physician plays the role of family or parental consultant," APA says. Earlier testimony indicated that the reasons for committing the child included family fatigue, fear of the mother's nervous breakdown and a foundering marriage. In such cases, said the plaintiff's attorney David Ferleger, the stigma of mental illness and loss of liberty outweigh the parents' traditional control over their children.

Groups like the American Psychiatric Assn. and the American Society for Adolescent Psychiatry stand on the other side, contending that parent control of their children must be preserved in most cases and that extensive independent hearings would only drag out and exacerbate the problems and stigma of being committed to a mental facility. Both sides apparently agree on one point—that a panel of psychiatrists or an administrative body would be a better forum for the hearings than would a legal body. If the high court rules for the plaintiffs (the children), it could throw a wrench in the due process guidelines for placing handicapped children. The regulations require that all rights and counsel be given to the child's parents, but not to the child independent of the parents.

What About Funding?

Lurking in the background is a bigger question that could ultimately change public policy. As David Karp, a U. of California (Berkeley) professor, wrote in a paper published by the University Council for Educational Administration, many state laws refer to children with "special needs," but funding has been limited to the handicapped. Certainly "gifted and talented" children could claim more of this "special needs" money than they are now getting in most states. Then there are the disadvantaged and nonEnglish speaking students. The disadvantaged, based on legislative precedent as a separate population needing extra help, could claim the same rights—and funding—as "special" children. And bilingual students have the Supreme Court's *Lau* decision upon which to base their claims. If state courts begin to accept these arguments, the rights, such as that to an individualized education program and greater shares of money, would have to be extended so these children could gain an "appropriate" education. Karp sees an expansion of litigation in this area:

> One thing is certain—for the next several years, more and more special education issues will be presented to the courts, and more and more school districts will find themselves in legal difficulty. What happens as a result of the new litigation will depend in part on how far the courts are willing to go in extending what are at present the quite nebulous constitutional rights of 'special' children.

Chapter 3.

State Education Agencies: At the Center of the Movement

The state education agency was and is at the center of the civil rights movement for the handicapped. Since it is the state that has the prime legal responsibility for education, handicapped children and their advocates turned to it to gain their rights. Cases like the *Pennsylvania Assn. for Retarded Citizens* v *Commonwealth of Pennsylvania* were the result. Now all 50 states have laws mandating at least some services for handicapped children. Most of the laws have been passed since 1971, and many are more rigorous than the federal Education for All Handicapped Children Act.

If there is one problem that is constantly mentioned by state people, it is financing special education. As one state educator said in reply to the *EDUCATION U.S.A.* questionnaire, "There is only one issue in educating the handicapped—money." William Wilken of the Washington, D.C., office of the National Conference of State Legislatures (NCSL) has superbly documented the state financial problem in his paper, "State Aid for Special Education: Who Benefits?" Wilken says, "Aid for special education is now the largest and most rapidly growing element of state financial assistance to local schools."

While a generation ago state aid for special education was unknown in many parts of the nation, it had hit $910 million by 1972. Then, after the "right to an education" victories in state courts, it spurted dramatically to $2.5 billion in 1976. "Throughout American education history, no other category of state aid has grown at such a high rate," Wilken says. The state share of special education costs averages about 55%, the local, 31%, and the federal, 14%. However, these figures vary widely from state to state, because in some states the federal share is as high as 56%. "With a few exceptions, the greater the level of state service, the less the importance of federal funds," NCSL concluded.

While state funding has shot up in the last several years, so has participation in special education. The percentage of children in special education programs was estimated at 5.9% in 1972, at 8.3% in 1975 and 9.0% in 1976. However, NCSL found sharp differences by region as

funding and participation increased. Participation is increasing the fastest in the South, which had lagged behind the rest of the nation in educating the handicapped. In the Midwest, which had been the early leader, funding increased but participation rates did not. NCSL suggests that these funds are going to improve the quality of programs, rather than spreading the coverage.

There are also regional differences by disability. Southeastern states continue to place more children in the "mentally retarded" category than the national averages. In 1975, with the exception of Texas and Florida, southern states placed 30% to 40% of their special education students in the "educable mentally retarded" category, compared to 17% in the West.

Overall, spending for special education was about $1,200 per child in 1975—all of this theoretically going for "excess costs." The range was from $537 for a child served in South Carolina to $2,982 for a child in New York.

. . . And the Bad News

But the bad news is that, at least according to NCSL, states have a long way to go in fully funding special education. The total local and state cost for special education was $4.6 billion in 1976, but according to state-by-state estimates, "full service" costs in current dollars (1976) would be $9.2 billion. If accurate, this would put a staggering burden on state education finances. As NCSL points out, the "very substantial amount" needed is perhaps three times greater than the total projected surplus in state budgets by 1980.

Not surprisingly, some state legislators who've been in the forefront of the battle for special education are concerned about a possible backlash. "We are faced with warfare between the parents of normal students and those of special ed students," Howard Klebanoff, chairman of Connecticut's House Education Committee, told an NCSL conference on financing special education. Connecticut's cost for special ed has risen from $6 million in 1969 to $43 million in 1976, but "still we hear cries that we're not doing enough," Klebanoff said. Michael Daly, an author of the Massachusetts handicapped education law, also fears a legislative counterattack that he says "could effectively destroy the law." The state's finance formula only fuels the fire, he said, because special ed and bilingual education monies are creamed off the top of the general education fund, leaving what's remaining for all other state education programs. "It provides a great way to attack the law," Daly said.

Florida has come up with one solution to such internecine warfare among education interest groups. In 1975, the state legislature enacted a "pupil weighting" system for distributing state funds. Since it costs a school district more to educate a mentally retarded child than a normal child—perhaps three times more—the mentally retarded child is given a weighting of three. Altogether there are 26 categories, about two-thirds of which are handicapping conditions. Various vocational programs are also weighted. Ratings range from 2.3 to 15, and are all based on the measure of a full time equivalent (FTE) student, calculated on 25 hours of classroom instruction per week. So, while speech therapy may have a high weighting—like 10—a student will most likely take speech therapy only one or two hours per week. The district then calculates its FTEs and is reimbursed by the state. (New Mexico and Utah have somewhat similar systems.)

The advantage of pupil weighting is that all state education funding is based on one appropriation. There is no reason, then, for handicapped interest groups to oppose extra vocational funding, or vice versa. Secondly, a district can count on being reimbursed at a reasonable rate for the added costs of special education.

What are the problems with pupil weighting? If the state legislature doesn't fully fund education, then obviously everyone is hurt financially. Pupil weighting won't remedy low state funding. In addition, there is the apparent incentive to classify children as handicapped and to keep them in special classes. The latter problem—segregating children in costly special education programs more than is necessary—was turned up by an evaluation done by the Florida Dept. of Education after the first year of pupil weighting. It concluded there was "a definite tendency to assign exceptional children to full-time, self-contained classrooms, instead of attempting to integrate them into part-time basic classroom situations." And 12% of the principals surveyed for this report said they had received some pressure to retain children in separate classes and thereby earn additional FTE points. But through time and effective monitoring, it is generally believed that this problem can be resolved.

In addition to coming up with the money, a state must provide leadership in special education and, under the federal law, assure that all its districts are meeting the standards of PL 94-142. Specifically, states must assure that handicapped children are being sought out and identified, are given an individualized education program, and are placed in the least restrictive educational environment. In each area, several states already have exemplary programs.

One of the first steps in a comprehensive special education program is to search out unserved handicapped children. The years of exclusion of

these children led to the well-documented conclusion that thousands were hidden away—at home or in special institutions—and not receiving an education. Sometimes, too, parents did not know where to turn if they had a severely retarded child.

Indiana's Child Find Program

Child Find is a start to changing all that. And Indiana's "Child Find" gets high marks. Pam Peterson of the Indiana State Dept. of Education said her office first drew up a work plan and asked for bids from advertising and public relations firms. The ad firm that got the contract helped design the campaign. Training kits were developed and sent to all county special education coordinators. Posters were designed for billboards, buses and other public spots. A 15-minute film, "The Search for Special Children," was put together, starring Dick Van Dyke as a modern-day "Pied Piper" looking for handicapped children, and shown on public television across the state. And newspapers across the state were contacted to help publicize the campaign further.

The public Child Find campaign was kicked off by a press conference with the governor and the state's superintendent of public instruction. The message was that handicapped children from birth to age 21 have a right to an education; and no matter what their condition, the public schools can—and want to—help. The ads asked for referrals from anyone—parents, relatives, neighbors, friends and acquaintances. A second goal of the child find, Peterson said, was increasing public awareness of how handicapped children can learn. The intensive ad campaign ran for several weeks, but a scaled-down version was kept going as a regular part of the state special education program.

There's only one catch, Peterson said. Don't expect to turn up a lot of completely unserved children. Long-time special education advocates never cease telling stories about how you could canvas a neighborhood and in every tenth house find an unserved, locked away handicapped child. It isn't so. Indiana's intensive statewide campaign turned up 1,200 referrals, half of whom were preschoolers and many more of whom were already in contact with public or private special education facilities. This in no way demeans the "child find" campaign—you can't put a price tag on finding an ignored child. But it does mean that sponsors should proceed with realistic expectations. (For more information on Indiana's Child Find, contact the Division of Special Education, Dept. of Public Instruction, 120 W. Market, Indianapolis, Ind. 46204; or call 317: 633-4763.)

Special Services Information System

Once a child is found, he or she must be placed in a special education program. And for the "low incidence," severely handicapped child, finding an adequate program can present a problem. Maryland has helped solve that problem with its Special Services Information System (SSIS). This computerized system was designed to cut through bureaucratic red tape and reduce delays in placing handicapped children. On a portable computer terminal, a series of code words must be typed in, primarily related to the child's condition. Within seconds, the computer types a printout of all appropriate facilities in the state. The information includes name, address, phone number, contact person, type of facility, types of children served, ages, sex, exclusions if any, I.Q. ranges, barriers, child/staff ratios, enrollment, tuition, waiting list if any and available transportation.

By holding workshops across the state, the SSIS staff taught teachers and administrators how to use the system. Child advocacy groups and parent organizations were encouraged to use it as well. SSIS is also the state's prime accounting mechanism for special education. Its data includes numbers of children served listed by handicapped conditions, number of staff and costs. The data is also used for state education planning and for required reports to the state legislature and the U.S. Office of Education. (For more information, contact the SSIS project director at 1001 N. Calvert St., Baltimore, Md. 21202; or call 301: 383-3240.)

State Technical Help

Most states have been providing technical assistance, guidance and the like to school districts. It is, after all, the state's job to assure compliance with the federal law. *EDUCATION U.S.A.*'s survey respondents were generally quite pleased with state services. More than one commented to the effect that "there is more help available than we can make use of." Of course, not all state departments rated so highly. Several respondents answered that their help from the state department was "rules, regulations and paperwork, that's all."

The North Carolina Dept. of Public Instruction's Division of Exceptional Children is encouraging school districts to follow six steps in developing comprehensive special education programs. For some districts, this is undoubtedly "old hat." But for others, it's the kind of information and guidance they need. The steps are:

- **Identification and location:** This begins with a public awareness campaign, similar to the "child find" except that it also focuses on

those who will be the most heavily involved in identifying children with disabilities. A teacher may identify a child with a learning problem, or the school nurse may discover a child's deficiency in hearing or vision. Then, the teacher or nurse should discuss the problem with the child's parents, preferably in an informal interview, to learn more about his/her condition. If the problem can't be corrected without special help or modifications in the classroom situation, the teacher should report this to the principal, along with a written explanation of the child's strengths and weaknesses. Usually, this is referred to the district's committee for exceptional children, who might suggest a third party observation. If the teacher, principal and observer conclude that the child needs more help than he/she is getting, the child is referred for screening.

- **Screening:** This is done by a school committee whose members include the principal (or designee), child's teacher, representative of the district committee for exceptional children, resource or special education teacher, psychologist, social worker, guidance counselor, speech or hearing specialist, and a physician or school nurse. (A child referred from outside the school system is usually sent directly to the committee for exceptional children.) The child should be given appropriate health and educational tests. The school committee must review these results and other records to decide if the child has a "potential need" for special education. If so, he or she should be referred for a complete assessment. Parents must be informed in advance and agree to all the evaluations. If at any point they disagree, the school committee must decide to either stop the process or let the parents appeal their decision to go ahead.

- **Assessment:** It should be "multi-faceted and multi-sourced." For a mentally retarded child, it must include educational, psychological, adaptive-behavior and psycho-motor evaluations. For a moderately or severely retarded child, the assessment should also include medical evaluation and a speech and language evaluation. Results of the complete assessment guide the next step—placement.

- **Placement:** The child should be placed in a special education program that meets the "least restrictive setting" requirement. Preferably this will include a "continuum" of placements so that the child can move back towards the mainstream when ready. An individualized education program (IEP) should also be prepared, and should include (a) a statement of annual goals and short-term instructional objectives; (b) a statement of the child's present levels

of educational performance; (c) a statement of specific services to be provided; (d) the projected dates when service will begin and how long it will last, and (e) a set of objective criteria and evaluation procedures that will be used in seeing if the goals have been achieved. Parents should participate in preparing the IEP and must approve it. Again, parents have full due process rights if they disagree with the placement decision.

- **Instruction:** The child's instruction is based on the IEP and, when necessary, should include medical services, therapy and counseling.

- **Reassessment:** At least once a year, the child's IEP must be reviewed and updated based on the rate of progress, or lack of it. In addition, an indepth reevaluation is required every third year. If the child makes good progress, the special services may be terminated.

Some states have focused their technical assistance for handicapped students more narrowly. For example, the Pennsylvania Division of Special Education sent its staff around the state conducting workshops on the IEP. And, unlike some states, Pennsylvania doesn't work directly with its school districts. Instead, it provides services through 29 intermediate units. The IUs, as they are called, permit a more coordinated and efficient delivery of services, said Gary Makuch, director of special and compensatory education, because they bring together more resources—staff and equipment—than any district could muster individually. This is especially important for low incidence handicapped children in rural areas. The relatively small, poor school districts cannot afford the staff and equipment needed to care for one or two children with severe disabilities. Other states have similar systems, like New York's BOCES (Boards of Cooperative Educational Service).

If there is an obvious disadvantage to the IUs or other such regional networks, it is that they tend to take children out of the mainstream. Rather than providing all services locally, the IUs often provide them in regional centers. But if the choice must be made between better services or a mainstream environment, most special educators would pick the better services.

Measuring Compliance in Arizona

Finally, how do state education agencies know that districts are fully complying with the federal and state laws? The answer is: they don't. Arizona has developed a "peer monitoring" system that allows it to

check on districts as well as help them improve. It's called Project START (for Special Education Technical Assistance and Review Teams). Basically, the state hires monitors, gives them some rudimentary training and a questionnaire, and sends them out to visit a district. The monitors are not high-powered state agents checking out local school officials; usually they are teachers, administrators or parents from a nearby district.

The idea is to make Project START a "cooperative venture" rather than a heavy-handed compliance club, says Deputy Associate Supt. Donald Johnson. Its purposes include checking compliance with state and federal laws; validating information in the district plan; providing the district with feedback on its special education program; and developing a technical assistance plan to remedy weaknesses in a district's program.

Monitors interview the district's special education administrator, building-level administrators, classroom teachers, special education teachers, diagnostic personnel and the parents of handicapped children. They are also responsible for reviewing pupil placement records, teacher certifications and special education facilities. In each interview, the monitor completes a questionnaire. They are required to summarize their observations and make recommendations on needed changes before they leave the site. This understanding helps prevent the process from becoming adversarial in nature. Arizona has 225 school districts, many of which are thinly populated and rural. The state department hopes to monitor about 90 districts each year. The information gathered will help the districts improve their programs and will allow the state to better distribute funds and provide technical assistance. (For more information, contact Donald Johnson, Arizona Dept. of Education, 1535 W. Jefferson, Phoenix, Ariz. 85026; or call 602: 271-3183.)

Chapter 4.

Local Leadership for Quality Services

The quality of services provided to handicapped children depends first and foremost on local leadership. And there are still vast disparities in special education among school districts.

There are two clear conclusions that have been arrived at through several studies of special education, and ones that were partially confirmed by the *EDUCATION U.S.A.* survey. When asked what percent of the student population was handicapped and was receiving special education, answers ranged from .3% to 21%. There are several explanations possible for this disparity. One is differing definitions. Speech therapy usually enrolls the largest percentage of children classified as handicapped, but this percentage fluctuates widely without really reflecting the quality of the special education program. (A few school districts don't even count speech therapy as special education.) In addition, high schools tend to have fewer special education children enrolled than elementary schools. But neither of these possibilities fully explains the differences.

William Wilken and John Callahan of the National Conference of State Legislatures (NCSL) recently completed an intensive study of special education and its financing. They concluded, "Disparities in special education services can be found in states of every condition . . . those that are rich, poor, urban or rural. Disparities persist whether states spend a great deal for special education or very little."

Massachusetts and New Mexico are good illustrations, they say. In Massachusetts, an acknowledged leader in special education, the number of children enrolled in programs for the handicapped ranged by district from 0% to 23% in 1975. The bottom fifth of the school districts averaged 2.5% of their children served in special education, while the top fifth averaged 13.8%. New Mexico, which has trailed in special education, shows a similar pattern across its districts. The top fifth averaged 7% enrolled in special education, while the bottom fifth averaged less than one percent.

Why the differences? NCSL cites three reasons: local administrative leadership, local parent pressure and local taxable wealth.

Administrative Leadership

"The most consistently important influence on the direction of local special education services is the leadership exerted by the superintendent of schools and his immediate subordinates," Wilken and Callahan said, based on their analysis of a number of states. "When key administrators want quality special education services, they tend to get them."

The superintendent is the school district's chief administrative officer and the budget maker. He/she is also "free from almost any substantial state oversight" and thus "can and do act exactly as they choose." What determines the superintendent's actions? Wilken and Callahan believe, based on their interviews, that the "moral commitment to handicapped children" is the key. "Superintendents who harbor widespread doubts about the utility of special education programs rarely provide more than token resources," they concluded. "Superintendents who are deeply interested in providing special education, in contrast, often succeed in providing broad based services for handicapped children even when there is substantial pressure to the contrary."

They found an illustration in seven rural school systems in south Georgia. The districts were rural, poor, heavily black and socially conservative. In short, local school officials had plenty of reasons not to provide good special education. But the seven superintendents organized a service cooperative called the Southwest Georgia Program for Exceptional Children. The cooperative venture pooled state and federal money, thereby enabling them to provide first-rate programs for low incidence children and to attract high quality staff to what was an out-of-the-way area. "In the face of all these (adverse) conditions, these seven school systems are providing special education services not found in many much more advantaged communities," the NCSL researchers concluded.

Parental Pressure Counts

Local administrators are also well aware of the other two forces—parental pressure and local wealth. The stories about parent power and handicapped children are legion. "We have yet to visit one local school system which refuses to provide basic special education services in the face of well-organized and widespread parent pressure on behalf of better services," Wilken and Callahan say. But parent pressure is quite variable. In the state of Washington, NCSL found that only about one in five districts had experienced parent pressure that was both "widespread and well-organized."

One consistent pressure group at the national, state and local levels is special education administrators and staff. Most education professionals

are generalists. In contrast, most special education administrators, even in the U.S. Office of Education, have spent their entire professional careers in special education, many beginning as teachers. Also, if they've been around more than five years, they remember the days when handicapped children were regularly excluded from public schools. So their fervor and intensity is understandable. One young woman, writing in the *New York Times* about her years as a special education teacher, summed up the attitude quite well, as shown by the title of her article, "Up from the Basement."

The importance of the third influence, local wealth, is undeniable. "In some states, local wealth can exercise more control over the quality of local special education services than all the other influences combined," Wilken and Callahan say. Massachusetts is an example. "Local expenditures for special education there rise in lock steps to the level of local income," according to NCSL. This is one problem that has not been addressed and may be aggravated by the Education for All Handicapped Children Act. It mandates local entitlements based on the number of children served. And since this percentage often depends on local wealth, the rich will get richer, and the poor may lose out once again.

Where Do They Go?

In educating its handicapped children, one of the first questions a district asks is "where?" The *EDUCATION U.S.A.* survey indicates that almost all districts are mainstreaming as many children as possible. Few have separate local schools for the handicapped, and referrals to private schools are declining. This decline in private placements is partly caused by states refusing to pay their share of the private school tuition, thus forcing districts to educate such children in their own schools. This points out an interesting question: Can a local school district educate all or almost all its handicapped children without special schools?

Some Virginia children who were turned down by the state for placement in private schools are being poorly served in the public schools, according to the *Washington Post*. Examples cited included a severely hyperactive seven-year-old who "spends his day tagging behind a gym teacher at a public school" and a six-year-old who was very bright but unable to speak and was put in a class for emotionally disturbed children. "We had reports from every professional who had ever worked with the boy saying that under no circumstances should he be in a class for the disturbed," said Robert McIntyre, director of the Children's Achievement Center in McLean, Va.

A Special School

These cases are extreme examples of dislocations caused by ending private school placements, but they do suggest that relying on mainstreaming isn't the total answer for a school district. Two years ago, the Winston-Salem/Forsythe County, N.C., school board took what might seem like an unusual action. It decided to build a separate high school for its handicapped students with $2.2 million in local funds. A driving force behind the project was the district's director of special education, C. Douglas Carter.

Carter and his district placement committee follow the "continuum" model of placements described earlier. While the goal is to put each child in the "least restrictive environment," the group doesn't subscribe to the fiction that all handicapped children can be best served in regular schools. One placement option in the continuum is a "separate day school." In Winston-Salem, that's South Park High.

When discussing placements, Carter says, "The burden of proof is what happens at graduation." Then, a child must fit into the mainstream of society, and to do so, he/she needs the basic skills to get along at work, as a consumer and as an individual wanting to enjoy a full life. Carter emphasizes that South Park is not a sheltered place, but instead provides "a full high school experience." The modern, one-story building is surrounded by playing fields and tennis courts. Its students elect their own student government, write and print their own newspaper and yearbook, and have had winning-season basketball teams. Most of the 470 students are educable mentally retarded; a few are physically handicapped or emotionally disturbed.

In a regular high school, students like these would "just sit there, always somewhat of an outcast, never fully participating in school activities or getting the special help they need," Carter said. This is not to say that Winston-Salem doesn't mainstream. Academically able blind students, for example, are mainstreamed into regular classes, he said.

The real crux of South Park is its career education and occupational placement program. Ninth graders take nine-week introductions to various job clusters through films, discussions, "hands on" experiences and field trips. Then a student can take more indepth instruction in a job that meets his or her interests and abilities. The job areas are as varied as food service, hospital care, graphics, child care and family life, clerical and bookkeeping, metal working, landscaping and gardening. What they have in common is that they are jobs that mentally retarded students can handle well.

These young people have trouble in positions that require abstract thought but perform well in jobs requiring specific skills, according to Carter. Thus, for example, a mentally retarded student in auto

mechanics would not be expected to diagnose mechanical problems, but could easily handle tasks like tuning up the engine.

Another unique feature of South Park is that part of the county's vocational rehabilitation staff is housed in the school. Since federal and state vocational rehabilitation funds come through agencies other than education ones, there is rarely close cooperation with schools. In fact, voc rehab staffs are often located in downtown office buildings—far from where they're needed by students. But in Winston-Salem, an agreement between the school board and the vocational rehabilitation agency brought the staff into South Park. As a result, each student has his/her own voc rehab counselor from ninth grade through age 21. As for the success of South Park's career education program, the job placement record speaks for itself. Last spring, 80 of 90 graduating seniors were placed in jobs—a record many schools can envy.

Special Ed in Pennsylvania

Handicapped children in special education classes are learning, and in many cases are making "dramatic" progress, according to a year-long study by the Pennsylvania Dept. of Education. A representative sample of the state's 210,000 special education students was tested at six-month intervals. In each area—reading, math, spelling and social maturity—the students were progressing.

Gains in reading ranged from 3.4 months for educable mentally retarded (EMR) students to a high of 8.4 months for socially and emotionally disturbed (SED) children. (An average gain for nonhandicapped children would be six months.) Math gains were similar, ranging from 3.2 months for EMR students to 8.2 months for SED children. The greatest gains were registered in "social maturity," where the SED and EMR students gained a year and four months during the six-month test period.

"The rate of progress represented by students in this study would be respectable for regular pupils," said then Pennsylvania Secy. of Education John Pittenger. "But for handicapped children taking the same tests as their nonhandicapped peers, the gains are dramatic to say the least."

Full Service Is The Key

The goal for all school districts is to provide full service to handicapped children. In fact, the Education for All Handicapped Children Act requires districts to state that this is their goal and elaborate on how they will achieve it. Many districts are well on their way, but, as NCSL pointed out, others have a long way to go. The National Assn. of State Directors of Special Education (NASDSE), along with the Prince William County, Va., schools, has put together a full service planning guide. It offers a step-by-step approach to putting a special education program into high gear.

First, NASDSE recommends the creation of a multidisciplinary planning team which includes administrators, supervisors, principals, teachers (both regular and special), support personnel and parents. The team members will undoubtedly differ on who should do what, but "these differences of opinion should be resolved in the planning process," the guide says. "A full service plan that results from an interdisciplinary process has a much greater chance for funding and implementation than a plan prepared by program specialists without their general education counterparts." The team must, of course, consider where the district currently stands in educating its handicapped students, but it must also "force itself to think in terms of 'what should be' rather than 'what is'," NASDSE says.

There are four key steps in a "full service" program. **Identification** is "the ongoing process of locating and screening suspected exceptional children." An "awareness campaign" focused on the school staff as well as the public should be mounted to inform everyone of the availability of special education and of the handicapped child's right to a full education. Involve community groups, like the Lions or Kiwanis Clubs, the medical community, and other public agencies and parent organizations. Newspaper and radio advertisements, posters, brochures, referral postcards in libraries, doctors' offices, post offices and churches, and an open telephone line are all ways to spread the word and get referrals of children with possible handicaps.

There are two basic types of screening. First, the complete screening of all kindergarteners, first graders and preschoolers in day care centers. This would include a check of their vision, hearing, speech, motor development, perceptual development and psychosocial development. The second kind of screening involves referrals or students transferred to the district. For these, it's especially important to check past records.

The **assessment** is basically a diagnostic evaluation of the child. This should include gathering a complete history—medical, family and educational. A multi-disciplinary staff should evaluate all diagnostic information and prepare the placement report.

A successful program also requires a variety of possible **placements.** These placement options are:

- A regular class with supportive or auxiliary services. These may be provided by an itinerant or resource teacher or by placing the child part-time in a resource room.
- A resource room and integration into a few classes like art, music or physical education.
- A self-contained special classroom for all or most of the school day.
- A special school for handicapped children that is either a public or private facility.
- A 24-hour per day residential program
- Temporary instruction in a home or hospital.
- Temporary placement in a diagnostic classroom.

The full service guide also recommends that school districts provide all the following **services:** special education for ages 2 to 21; nursing services including nutrition and hygiene; instruction for the visually impaired; occupational therapy; speech and language therapy; diagnostic/educational audiology; social work services; psychological services; adaptive physical education; adaptive instruction in specific academic subjects; music therapy; and career guidance and counseling.

Chapter 5.

The Earlier the Better

If there is one truism of special education, it is the earlier the handicapped child is served, the better. Profoundly retarded or other severely handicapped children need special attention in learning to feed and care for themselves. Cerebral palsied children need early help with speaking so they don't learn to form words incorrectly. All children go through stages of development, but the development of handicapped children may be slowed down or arrested by their disability. It is the goal, then, of early childhood special education to help prepare a handicapped child so he or she will be able to attend school with nonhandicapped peers.

Congress wanted to encourage early childhood education, but could not mandate it because only the states have this power. The Education for All Handicapped Children Act says special education will be required for all handicapped children from age 3 unless this is "inconsistent" with current state law. With many, it is. But more and more state legislatures are lowering the age for providing special education. Some go down to age 2, others begin at birth. Congress also authorized "incentive grants" of up to $300 per child for states educating handicapped children under age 5. The actual amount going to a state will depend on what Congress finally appropriates for this section, but the $300 per child figure is well above the federal aid that will be provided for all other special education children.

USOE's Bureau of Education for the Handicapped has spent considerable money and effort in developing model programs for the early education of handicapped children. All these models were designed so they could be easily reproduced in other communities. The National Diffusion Network has judged several of the projects to be exemplary and worthy of being developed in many school districts. The following are descriptions of just a few:

Portage, Wis.

Young handicapped children need regular individualized instruction. But where will all the teachers come from who would be needed to carry out this task? The model project in Portage, Wis., has found them—right at home.

Each week, for an hour and a half, a teacher visits the handicapped child's home in the predominantly rural areas of south central Wisconsin, and brings along a series of lessons. The project uses games, household objects, behavioral techniques and common sense to teach important skills. For example, a child could be taught how to put a button in a button hole. As coordination develops, this can lead to the child dressing himself or herself. All children go through these developmental stages, but the Portage project breaks the skills down into small lessons and tasks. (A good description of the Portage project was written by Jane Hoyt of USOE's Office of Public Affairs and appeared in the October 1976 issue of *American Education*.)

What is distinct about Portage is that the child's parent does most of the teaching. The teacher explains and demonstrates the initial task and then leaves a sequential checklist for the parent. A set of cards accompanying the checklist explains some ways that the skills can be taught. The following week, the teacher returns and checks on the child's progress. Then the child is assigned three new tasks for the next week. An important objective is to see that the child has at least one success every week.

Marsha Shearer, the project's training coordinator, calls this "a built-in prevention technique." She says, "Many potentially handicapping conditions are preventable if we begin to do something about them soon enough." A big advantage of the Portage model, she said, is that "a parent doesn't have to admit their child is handicapped to be helped by the program." Wisconsin state law refers only to "children with exceptional needs." If the parents just say my child is not talking, and are willing to have someone help them, the child can be helped. The program is totally voluntary on the parents' part.

The Portage children have demonstrated the project's success on developmental tests. In five areas of development tested by the Alpen-Boll Developmental Profile, the gains ranged from 9 months in motor skills to 13 months in academic skills—both above-average gains for their age group. Of 51 children who left the Portage program in 1973-74, 42 went into regular schools (some with special help), four went into programs for the handicapped, and five had moved from the area. Before the Portage project, many if not most of these children would have been sent to institutions.

Project director David Shearer says the Portage model has proven two points: "We've shown that parents can teach their own children, and that education can take place in the home."

Thirty other districts or schools across the country have already adopted the Portage model, ranging from a state school in Ellisville, Miss., to a housing project in Atlanta and a Navajo tribal council in Fort Defiance, Ark. The program's cost is low—about $650 per pupil for 9 months, compared to $2,600 for other preschool special education programs in Wisconsin. (For more information, contact Portage Project, P.O. Box 564, Portage, Wis. 53901; or call 608: 742-5342.)

Athens, Ga.

Although 30 out of every 1,000 school children are emotionally disturbed, there are probably fewer of these children getting help than any other type of handicap, according to the U.S. Office of Education. But in Athens, Ga., the Rutland Center is showing how emotionally disturbed children can be helped to lead normal lives.

Rutland also uses a "developmental therapy" which, like Portage's philosophy, states that children develop in stages and handicapped children need more help along the way in going through these stages. The curriculum is broken into four areas—behavior, communication, socialization and preacademics. Each area has a set of specific tasks to be completed and goals to be achieved. Each class usually consists of five to eight children, accompanied by a teacher and aides. Many of the aides are education or psychology majors from the nearby U. of Georgia. Students range from age one to 14. The children work at the center during the day and go home at night. The Rutland Center is deliberately community-based since "residential programs can't provide what parents can," says project director William Swan.

Rutland is also the model for the Georgia Psychoeducational Network, a group of 24 such community-based centers serving 6,600 emotionally disturbed children. The program is a good example of regional cooperation in improving services to "low incidence" handicapped children. (For more information, contact Rutland Center, 698 N. Pope St., Athens, Ga. 30601; or call 404: 549-3030.)

Seattle, Wash.

Another group of children who have regularly been given up on in the past are the severely mentally retarded. Those with Down's syndrome (once known as mongolism) were often considered hopeless and were

not educated at all. But the U. of Washington's Model Preschool Center is showing that these children, with early and intensive help, can learn and can lead semi-independent lives. "We are challenging some persistent myths about mentally handicapped children and demonstrating that much can be done to accelerate the development of the retarded, especially if help is available soon after birth," says Alice Hayden, director of the Seattle center.

The U. of Washington also follows two principles used by Portage and Athens—the involvement of parents and the step-by-step development of the child. Weekly 30-minute sessions with parents familiarize them with the developmental stages children go through and what they can do to help. Said one mother, "I have learned specific ways I can work with my child at home to help him with the skills he is developing at school. The center provides most of the teaching materials I need. Also, I have a chance to share problems and ideas with other parents of children the same age as my own. It helps me be more objective about my child's behavior."

The Washington center is serving 190 children—more than 60 of whom have Down's syndrome. Care starts as early as five weeks after birth. In the past, the I.Q.s of institutionalized Down's syndrome children tended to decline with age—probably because they were separated from their families and not given early and intensive help, according to Hayden.

But children at the center are showing they can learn, and the longer they are there, the better they do. For example, five children admitted at kindergarten level showed an average lag of 21 months behind normal children. But five children at the same age, who'd been at the center for six to 12 months, trailed their normal peers by only 5.6 months. (For more information, contact Model Preschool Center, Child Development and Retardation Center, U. of Washington, Seattle, Wash. 98195; or call 206: 543-7583.)

Newton, Mass.

Unlike the other handicaps, learning disabilities are primarily a classroom problem, and that's where they have to be detected. A Massachusetts project is helping teachers recognize and work with learning problems. The Early Recognition Intervention Network (ERIN) is based at the Education Development Center in Newton. ERIN staffers work with classroom teachers, first in workshops on identifying learning problems and then in weekly visits to the classroom. The purpose is to find 5- to 7-year-olds with learning problems. "We don't diagnose

according to a medical model and search for something drastically wrong," says project director Marian Hainsworth. Massachusetts law also forbids detailed labeling of children and refers only to children with "special needs." Altogether, about 50 communities are involved in the ERIN project.

After a few children are chosen because they need special help, ERIN staffers help teachers plan an appropriate intervention. Planning is important, because most teachers have difficulty finding time to work with special needs children. The ERIN project is also reaffirming the axiom that early intervention can keep a learning problem from becoming a life-long handicap. For example, one 7-year-old had difficulty speaking. When asked a question, she usually responded with a shy smile. And when she did speak, she slurred and mispronounced common words. Both the ERIN specialists and her classroom teacher felt there was nothing seriously wrong with her; her speaking was just developing slowly and she needed extra practice. So they arranged for her to play table games and word games with two or three friends where she would be forced to talk constantly. In just a few months, she showed a marked improvement in her willingness and ability to talk. As her principal put it, "She will never show up as a statistic of failure." (For more information, contact Education Development Center, 55 Chapel St., Newton, Mass. 02160; or call 617: 969-1990.)

BEH has also funded model centers using developmental therapy for the deaf, cerebral palsy and other handicapping conditions. (For more information on these or other early childhood projects, contact Handicapped Children Early Education Program, BEH, USOE, Washington, D.C. 20202.)

Chapter 6.

Developing Individualized Programs

The substance of the new education of the handicapped law is its requirement that each child have an individualized education program (IEP). In the day-to-day operation of special education, it is this requirement that is the "critical outcome in the educational reform mandated by PL 94-142," says Robert Audette, Massachusetts deputy commissioner for special education. But, on the other side, many argue that the IEP requirement represents an unwarranted intrusion by the federal government and is a prelude to a logistical nightmare. Still others see both good and bad in it, perhaps summarized best by a witness before the National Advisory Committee on the Handicapped who called the IEP a "positive can of worms."

Here's what the law says:

> The term "individualized education program" means a written statement for each handicapped child developed in a meeting by a representative of the local education agency or intermediate education unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children; the teacher; the parents or guardian of such child; and, whenever appropriate, such child; which statement shall include (a) a statement of the present levels of educational performance of such child; (b) a statement of annual goals, including short-term instructional objectives; (c) a statement of the specific educational services to be provided to such child and the extent to which such child will be able to participate in regular educational programs; (d) the projected data for initiation and anticipated duration of such services; and (e) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

Even if its grammatical convolutions were straightened out, the statement leaves a lot of questions unanswered. However, one point is clear. Never before has the federal government so prescribed how a local education program is to be carried out. In considering an IEP, perhaps the newspaper reporter's traditional five questions are in order—who, what, when, where and why?

Who shall draw up the IEP? A representative of the school district; teachers, both regular and special, "who have a direct responsibility for implementing the IEP;" one or both parents; and the child, "where appropriate." If parents refuse to attend the meeting (that should be scheduled for their convenience), the regulations say schools must have (1) detailed records of telephone calls made to parents; (2) copies of letters sent to them and any replies; (3) detailed records of visits to their home; and (4) assurances that they used an interpreter or translator with deaf or nonEnglish speaking parents.

What is the IEP? Basically, it is a way for the individuals most concerned with a handicapped child's education—teachers, parents and principal—to have a chance to sit together and review the background and evaluation of the child, and then plan a program that will help him/her learn.

The content of the IEP, as elaborated upon by the regulations, should include the child's present educational level, "including academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills and self-help skills." The short-term objectives should be "measurable intermediate steps between the present level of educational performance and the annual goals." The educational services needed by the child should be listed "without regard to the availability of these services."

When must this "planning conference," as BEH calls it, take place? The regulations say the meeting "must be held within 30 days of a determination that the child is handicapped" or "at the beginning of the school year." BEH Dir. Edwin Martin Jr. said his office will not require IEPs for all handicapped students until September 1978. The 1977-78 school year is a "phase-in" which allows schools to develop initial IEPs for its existing handicapped students. "At least, that's our interpretation of what the law requires," Martin said. But the next year the IEPs must be written or updated within the first 30 days of school (days of attendance, not calendar days). Here's one possible logistical problem—four to five million such meetings must be held next September. In addition, the group must get together "at least" once more during the year to review and, if necessary, revise the IEP. (But earlier versions of the bill in the Senate would have mandated three planning meetings per year.)

Where should the meeting take place? The regulations say only that it should be at "an agreed upon time and place." This opens up a number of possible conflicts. The intent of Congress, as it can be gleaned from comments on the IEP, is that the meetings should be held at the convenience of parents. And, of course, school officials have to prove they did everything possible to involve parents. But if the meetings have to take place after school hours because parents work, there is a problem for teachers. The AFT has pointed out that most teacher contracts do not permit such after hours work without overtime pay. If parents say they cannot physically attend such a meeting, the school may use a telephone hook-up, according to the regulations.

Why require the IEP? Because professionals concluded it is the best way to ensure quality special education. Of course, why Congress wrote it into the law—instead of allowing educators to make this judgment—is up to the congressional sponsors to answer. But special educators are almost uniformly in favor of IEPs. Massachusetts law has required something quite similar since 1974, and special education director Robert Audette says, "The IEP process allows educators to become less concerned with comparing students across achievement levels and more concerned with comparing various instructional methods in relation to prestated objectives."

Jerry Vlasik of BEH told a meeting of the National Advisory Committee on the Handicapped that the IEP will be "a learning experience for all concerned." That is not its prime purpose, he added, but it is nevertheless an important outcome. Regular teachers especially will benefit from the viewpoints and expertise of others in planning an educational program for a handicapped child, he concluded.

IEPs: The Legal Questions

One other common question: What is the legal status of an IEP? Rep. Albert Quie, ranking Republican on the House Education and Labor Committee, stated, "It is important to point out that it [IEP] is an education program developed jointly, but it is not intended as a binding contract by the schools, children and parents." However, while acknowledging this statement, BEH goes on to say (in its Dec. 30, 1976, *Federal Register* notice), "Therefore, while the state and local education agency is responsible for providing the services delineated in the IEP, such agency does not violate these regulations if the child does not achieve the growth projected in the annual goals and objectives." That's not much of a concession, because not too many school officials were worried about getting hauled into court because a child's achievement scores were not all that were expected. But the bigger question is what services are legally required.

The National Conference of State Legislatures, the Education Commission of the States and others have protested to Congress over the legalistic interpretation of the IEP. National Assn. of Elementary School Principals Deputy Dir. Edward Keller, testifying at a public hearing on the BEH regulations, said principals will face a dilemma because of the legalistic language. The regs says the IEP "must specify all services needed by the child, without regard to the local availability of such services." Later, they state "all services in the child's IEP must be provided by Sept. 1, 1978." Therefore, said Keller, if principals "proceed to enumerate all needed services and can't, due to lack of funds, provide these services by Sept. 1, 1978, they are in noncompliance. And if they fail to include needed services because they know they can't purchase them, they are also in noncompliance."

The National Advisory Committee on the Handicapped (NACH) devoted a series of meetings to consideration of the IEPs. Witnesses, almost all of whom were special educators, foresaw some problems. Gale Lambert, professor of special education at the U. of South Alabama, said, "The many extra work hours in planning and writing IEPs will create extra stress for professionals who are already working to capacity." In addition, the IEP "can die on paper . . . without a sparkplug for motivation," and "will add to the paper flow that is already monumental," Lambert said. Most witnesses also said better teacher education and inservice training was vital. Jasper Harvey, BEH's director of personnel preparation, suggested that colleges of education will have to be "nudged" to include training on the IEP as part of the regular course requirements.

The National Assn. of State Directors of Special Education (NASDSE) has set 11 steps for completing an IEP. They are:

- *Outlining Areas of Concern*—After gathering all available diagnostic data, the IEP committee should review the child's assessment and list present levels of performance in each learning area, including both strengths and weaknesses. This list should be summarized on the written plan under "present levels of performance."
- *Prioritizing Long-Term Goals*—The committee must decide where to start. What are the child's most critical needs, and what priorities do parents and teachers suggest? The purpose is to set down goals that the child can accomplish within a year. "Care should be taken to not have so many goal statements that accomplishment is impossible," NASDSE says. "In the case of a child with many needs, the committee should concentrate initially on high priority goals and later move on to other areas."

- *Writing Short-Term Objectives*—For each annual goal, the committee must list a series of measurable steps toward that goal. The objectives should be specific and suggest some criterion for success (i.e., Johnny can spell simple words and do it correctly 90% of the time). The time periods for short-term objectives are up to the committee and may be weekly, monthly or quarterly goals.

- *Specifying Services Needed*—What services or instruction will the child need to meet the objectives? This should include transportation, social services, therapy and whether instruction should be in a regular or special class.

- *Specifying Person Responsible*—For each service, the committee should assign one person to see that the service is provided and that the child's objectives are met. If a specialist like a speech therapist is not available, a teacher must be assigned responsibility for concentrating on extra language development.

- *Specifying Percentages of Time*—For each service listed, the committee should estimate what percentage of time the child will be receiving this service. The basis for the percentage can be daily, weekly, monthly or other. Total percentages of time in regular and special education should equal 100%.

- *Setting Timelines*—For each objective, the committee should decide a beginning and an ending date for each service. In addition, the committee should set dates for reviewing progress toward annual goals and short-term objectives. One reasonable and convenient review time would be the dates when the child's short-term objectives are to be completed.

- *Stating Time to Be Spent in Regular Classes*—The IEP must also state what percentage of time the child will spend in a regular class. PL 94-142 encourages, but does not direct, the committee to mainstream as much as possible. If the percentages stated are adequate, the committee can simply list these.

- *Making a Placement Recommendation*—A final and crucial task for the committee is to make a recommendation for placement. A prime question should be: where can the child best receive the services specified?

- *Specific Recommendations for Carrying Out the IEP*—The committee may make specific suggestions for implementing the IEP. For example, the group could suggest types of activities to be used in reaching goals, or the appropriate resources that may be used.

The committee probably knows more about the child's condition than any other group, and it should share this knowledge with those who have to carry out the child's educational program.

- *Establishing Objective Evaluation Criteria*—For each goal, the committee should state how progress can be measured. This means stating specific criteria for success. The evaluation procedure can also help determine if short-term or annual objectives should be revised or altered.

This 105-page guidebook, *Functions of the Placement Committee in Special Education*, is available at $3.50 per copy from NASDSE (1201 16th St. NW, Washington, D.C. 20036).

The real heart of the IEP is setting the annual and short-term goals. This section will require the most thought and planning on the part of the school committee with responsibility for the IEP. Josephine Hayes, a resource teacher for the Horry County, S.C., schools, discusses the whys and hows of goal setting in *A Primer on Individualized Education Programs for Handicapped Children*, published by the Foundation for Exceptional Children, which is a part of the Council for Exceptional Children.

First, why do teachers have to go to the trouble of writing down annual and short-term objectives? Based on her experience as a teacher, Hayes cites five benefits:

- **Written goals and objectives provide accountability.** They can be viewed and reviewed by administrators, parents and other teachers. With their timetables and assessment data, they provide the best means of describing what has been taught and what will be taught.

- **They can motivate students to achieve.** Students are told what they will learn and are encouraged to achieve the goals. When skills are learned, students will be praised for their successes, which in turn motivates them further.

- **They make teacher preparation more relevant.** Teachers previously talked of "poor concept formation" or a "low fund of basic knowledge," but these terms were too vague to be helpful for a teacher. Well drawn IEPs will provide constant and specific reference points for teachers to judge how well students are progressing. Long-term planning also becomes easier when teachers can accurately measure how fast a student is progressing.

- **They facilitate constructive cooperation between parents and teachers.** Since parents participate in writing the goals, they too

have a stake in seeing them achieved. In addition, they can better reinforce a child's learning because they know what he/she is to be achieving in school.

- **Written goals keep the focus on specific learning activities.** Each activity can be planned to strengthen a particular skill. When activities have a clear purpose that is apparent to both teacher and child, learning becomes intentional rather than incidental.

Before the goal setting can begin, the planning team needs complete background information and assessment data on the child. What is the intellectual, mental, social and physical condition? What is the present level of learning? What are the strengths, weaknesses, likes and dislikes? The planning committee should also have in mind the district's list of general curricula goals. These should be broken down into specific components. For example, reading skills might include reading readiness, comprehension, vocabulary and word knowledge. Other overall curriculum areas probably include prevocational or vocational skills, language arts, arithmetic, perception, motor skills and social skills. This list of curriculum areas "provides a structure and helps avoid a random discussion," Hayes says. Further, she suggests that, across the top of the page, the committee list these headings: content or curriculum areas; present level; annual goals; method and personnel. That the child can do simple adding or subtracting won't suffice. How many digits are involved? Can he/she go above 10? Can he/she carry and borrow? The following are examples of specific statements on a child's performance:

- Identifies alphabet except m, n, b, d and r.
- Recognizes numbers to 100.
- Works independently for five minutes.
- Reads word by word instead of by phrases.
- Can dress alone if helped with shoes and buttons.
- Can't remember a list of three items when sent to the store.

Understanding a child's present level of performance naturally points out areas that need attention. This step sets the priorities. Of course, age also plays a role. If a child is in the tenth grade—two years before leaving school—vocational skills, job hunting techniques, consumer education and the like might be top priorities. However, if the child is a second grader who has learned to decipher words, then reading might top the list.

Clearly, setting the annual goals requires a certain amount of

guesswork by the planning team. Looking at past progress and present performance, the planners must give their best estimate of what the child can achieve in a year. Here are two examples:

- **Present level**—Makes random marks on paper.
- **Annual goals**—(1) Will print entire names; (2) Will copy letters, numbers and shapes.
- **Present level**—Counts to 5 by rote.
- **Annual goals**—(1) Will count to 100; (2) Will match objects and numerals to 10; (3) Will recognize numbers to 10.

Once the annual goals are set, the committee needs to set several short-term objectives, which are essentially milestones on the way to the annual goal. For the sake of convenience, the time span could be the same as the report card period—perhaps nine weeks. If an annual goal is for the child to learn vowel sounds, the short-term objectives may be the learning of (1) common short vowel sounds; (2) common long vowel sounds; or (3) irregular vowel sounds (schwa, oo, etc.). The short-term objectives are not intended to be lesson plans, but the teacher may wish to break them into smaller, sequenced steps.

Further, a sequence of short-term objectives is probably available from other published sources. "It is not necessary to reinvent the wheel at each planning meeting," Hayes says. Most school district curriculum guides have suggestions on learning steps, which can be adapted to the short-term objectives. And, she says, several curriculum guides should be on hand during the planning meeting. Finally, Hayes suggests the committee keep these points in mind while setting the annual and short-term goals. They should be (1) in pupil terms; (2) be measurable or observable in some way; (3) be stated specifically; and (4) be realistic for the student.

Pennsylvania has done a lot of work with developing IEPs for preschool handicapped children. Its guidebook, *Pennsylvania's Preschool Pilot Individualized Education Program*, is available from Project CONNECT (1-A N. Progress Ave., Harrisburg, Pa. 17109). Two other publications should also be of interest. The Council for Exceptional Children (CEC) has put together a sourcebook on developing IEPs, *A Primer on Individualized Education Programs for Handicapped Children*. (For information, write CEC, 1920 Association Dr., Reston, Va. 22091.) Also, the 1977 annual report of the National Advisory Committee on the Handicapped is entirely devoted to testimony and recommendations on the IEP. Copies may be obtained by contacting Leroy Goodman, Executive Director, National Advisory Committee on the Handicapped, Washington, D.C. 20202.

Chapter 7.

Handicapped Children In the Mainstream

"Mainstreaming" handicapped children in regular classes has generated more public comment than any other aspect of special education. *Time* magazine called mainstreaming "apart from busing, the most controversial public school issue of the day," and quoted Careth Ellingson, an authority on learning disabilities, as saying the Education for All Handicapped Children Act "will change the American public school system more drastically than the 1954 Supreme Court ruling on desegregation."

But why all the controversy? Mainstreaming is simply taking physically handicapped, mentally retarded and emotionally disturbed children out of separate schools and educating them along with nonhandicapped children. Several years ago, it seemed like one of those grand ideas in education that is seized upon as a panacea. As NEA Pres. John Ryor put it, mainstreaming "is as American as baseball and hot dogs." After all, it would "break down the barriers" for the handicapped and end "the stigma" of being disabled.

But as with every supposed panacea, it wasn't. Nowhere are the changing attitudes about mainstreaming more evident than among special education interest groups. Through the early 1970s, the Council for Exceptional Children (CEC) was pushing mainstreaming both as a more effective way to educate the handicapped and as a way to generate concern and respect for the handicapped.

For CEC and others, the mainstreaming concept may have gained too great an acceptance. Articles began to appear with phrases like "dumping" handicapped children into regular classes or children "drowning in the mainstream." And special education advocates became suspicious that school administrators were using mainstreaming as a means of saving money on special education services.

At a U. of Texas conference on mainstreaming, John Kidd, director of CEC's division on mental retardation, urged that children with less than three-fourths of normal ability not be "deprived of the advantages of

homogeneous groupings in schools. I urge that we work to improve special education classes, not abandon them simply because some are less than ideal and above all not abandon them with no constructive alternative, even though it may be less restrictive." Further, Kidd said, "I must suggest that those who oppose practically all special classes and special schools are either doing so irrationally, or with ulterior motives, or are opposing something else in the guise."

As Edwin Martin Jr., director of the U.S. Office of Education's Bureau of Education for the Handicapped (BEH), said, "This business [educating the handicapped] is still a labor-intensive business. Handicapped children simply need extra care." So, while Martin and BEH will be watching to see that schools are not segregating handicapped children unnecessarily, he is also "wary" of schools "unloading" handicapped children into regular classes. This puts school administrators in a rather tenuous position. Perhaps it is best described by that old phrase, "Damned if you do, and damned if you don't."

Second Thoughts

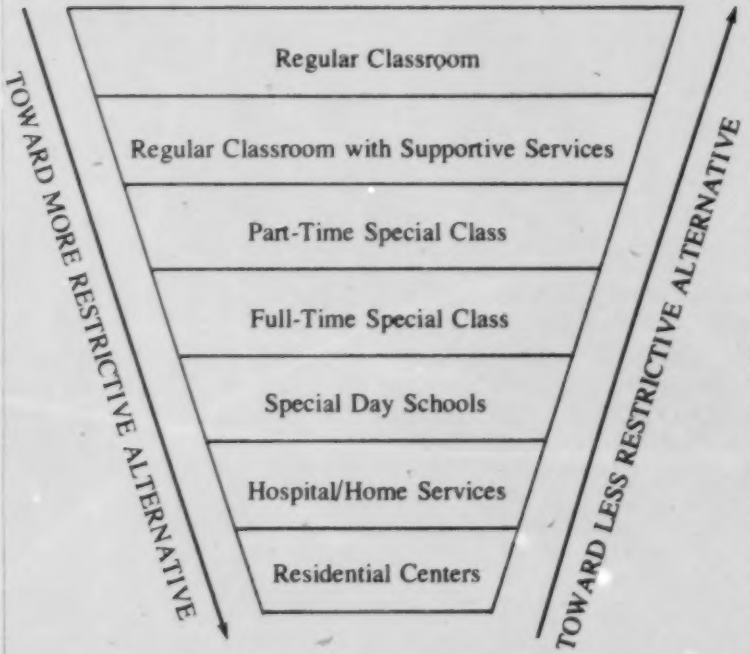
At the same time that special educators are having second thoughts about mainstreaming, so are teachers. Both NEA and AFT have set a number of conditions to be met before teachers will agree to mainstreaming. "Teachers don't want to wind up as the fall guys," said NEA's Ryor. One condition is that regular teachers "must have the strong and coordinated backing of special education teachers and support personnel."

AFT's 1976 convention delegates adopted a resolution calling for the number of mainstreamed handicapped children to be limited to two per class. "Two is a good number," said Joe Moren, a high school teacher from Hibbing, Minn. "I had a blind girl and a boy in a wheelchair in a class of 30 this year, and I thought that was enough." AFT locals in Pittsburgh, Detroit and Chicago have negotiated some limits on mainstreaming, and AFT Pres. Albert Shanker expects others to soon follow suit.

Fred Hechinger of the *New York Times* makes the point that the type of handicap—not just its severity—is the important factor in deciding whether a child can be mainstreamed. Writing in a *Times* special section on education (April 25, 1976), he says:

> Some handicaps are more receptive to mainstreaming than others. Many children with physical handicaps such as blindness, deafness or disabilities that impede their mobility, are endowed with high intellectual and motivational qualities that enable them to over-

A Continuum of Programs and Services Model



come their handicaps. Given some special help and, in some instances, modifications of the classroom equipment, these youngsters can readily become an asset to the ordinary classroom.

Children with varying degrees of retardation pose substantially different problems. Some may benefit from being integrated into nonintellectual activities, such as sports, shop and other nonverbal subjects. But their sense of defeat and frustration might be heightened rather than diminished in intellectual competition with their nonhandicapped peers.

Children with serious emotional problems may not only disrupt ordinary educational procedures, but could also arouse anger and antagonism in their classmates. Here, too, however, the degree of the emotional disturbance should be seriously considered.

A Question of Terms

As is typical with any education issue that has become controversial, many educators chose to simply drop the term mainstreaming in favor of another one. With mainstreaming, this represents an increasing refinement of the idea. The most common term now used is "least restrictive environment" or "least restrictive alternative." The Education for All Handicapped Children Act refers to integrating handicapped students with regular children "to the maximum extent appropriate." State laws also have their versions of the term. California's law "promotes maximum interaction [of the handicapped] with the general school population in a manner which is appropriate to the needs of both." The Missouri law favors integrating handicapped children to "the maximum extent practicable," and Tennessee says "removal of handicapped children from the regular educational environment shall occur only when and to the extent that the nature and severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily."

Most special educators have settled on "a continuum of placement" as the chosen term. By that, they mean there are a number of options for placing handicapped children—ranging from the regular classroom to an entirely separate school. Along this "continuum" of placement possibilities, special education directors will try to move the child towards the least restrictive or most normal environment.

"The whole idea of a continuum is really kind of a second or third generation mainstreaming model," says Paul Masem, Montgomery

County, Md., director of supplementary and special education. "I hope it will be going toward the whole concept of keeping kids in school and providing for them there in a more sophisticated and thoughtful way than people did when we kind of rushed into mainstreaming." Masem adds that the continuum concept focuses on all children with "special needs," not just the handicapped, but implementing the idea won't be easy. "The best place to provide for kids is in the school, with other children, in the most normal environment possible," Masem says. "But that is putting a phenomenally heavy weight on regular school personnel, and calling for skills and insights that are not part of everyday teacher training programs. What's really being proposed . . . is a whole restructuring of what we do in education—making the system become more flexible to meet the needs of kids right where they're at. That's probably the toughest assignment that education has been handed in a good many years," he concluded.

Controversy, terminology and theory aside, the real problem for school administrators and teachers is not **whether** to mainstream, but **how.** Of the more than 200 questionnaires returned to *EDUCATION U.S.A.*, all but a handful said a concerted effort is being made to mainstream. At the same time, most respondents said they either don't have separate schools for the handicapped or don't assign as many children to these separate schools as they did in the past.

Sometimes a change in state education is needed because previously it may have unwittingly encouraged the segregation of handicapped children. For example, Gary Makuch, Pennsylvania's director of compensatory and special education, said his state paid 75% of the cost of placing a child in a private school. So if a school district didn't have a program for the learning disabled, as an example, local school officials could assign such a child to a private school. "It was cheaper for them not to take on the responsibility," Makuch said. The state is now trying to reverse that trend by disapproving placement in private schools for all but the severely handicapped.

For the mentally retarded or emotionally disturbed child, mainstreaming usually begins in supplementary courses like art, music or physical education. The physically handicapped and the blind can usually be integrated into academic classes, but they need special care in classes like physical education.

Mainstreaming Benefits Nonhandicapped, Too

The benefits of mainstreaming for the handicapped child have often been stated, but they can also have an impact on nonhandicapped children. The Maryland State Dept. of Education tested more than 1,500

Mainstreaming Handicapped Children: Tips for Teachers

✔ Get to know the individual child's problems, reactions, strengths and weaknesses. If you see him or her as a child first—rather than as a stutterer or an epileptic—you will realize that most behavior is not related to the disability. If a child is acting especially shy or having tantrums, it may not be related to cerebral palsy or deafness; but may be a normal developmental stage.

✔ Get to know all you can about the specific disability. Chances are your group will have only one or two handicapped children. Find out the ways that a cleft palate or a visual problem can affect a child. It is important that you get all the information possible and then trust your own judgment and your knowledge of children.

✔ Listen to parents; they're experts about their child. Talk to them at a prearranged time—not in front of the child. Encourage the parents to come to the classroom to observe and to offer suggestions based on their experiences. Make it a two-way exchange: you will learn from them.

✔ Introduce the special child to the class gradually. Ask the parents to bring the child in some day after school. Let the child explore the classroom and begin to feel comfortable with it. In phasing a special child into the class, take your cues from the other children: note when they feel comfortable, scared, belligerent or enthusiastic.

✔ Capitalize on the special child's strong points. Set up situations where the child can do well in the group. A mentally retarded boy might have some playground skills the others appreciate; a deaf girl may do well in the dress-up corner or in building with blocks.

✔ Break down tasks into small components. Don't give too many directions at once or encourage the child to try a complex project. But don't be overprotective. They have to learn to cope.

✔ Know what comes within the range of normal behavior for the age group you work with. Know the problems of normal children in the age group and their typical reactions.

✔ Know your own level of frustration, how much you can take. Don't consider yourself a failure if you need to ask for help or send a child home occasionally. Some handicapped children have more difficulty than others in groups. Remember that in any classroom situation there are days when things don't go as smoothly as you'd like—when you wonder if you really picked the right profession.

(Suggestions from Jenny Klein, Director of Educational Services in HEW's Head Start Bureau.)

handicapped children who were being mainstreamed in 24 school districts across the state. In the "classroom reading inventory" administered to pupils in kindergarten through eighth grade, the average grade equivalent advancement of the handicapped children was 1.14 years. This is slightly above normal and "represents a major triumph for handicapped students, who would otherwise be expected to fall behind each year," an education department report said. On the Comprehensive Test of Basic Skills, the handicapped students also did about as well as their peers and, interestingly, achievement rates increased with age—from a .7 grade equivalent increase for second graders to a 1.5 increase for sixth graders. This provides rather striking testimony that, with regular classes and supplementary help, handicapped children can not only learn, but can keep up with their nonhandicapped peers.

The change in attitude of nonhandicapped students is perhaps an equally important benefit. Laura Rausher, age 16, and Billy McCarthy, age 13, both of whom are paraplegics, were interviewed on National Public Radio's *Options in Education:*

Laura: Our school, when it was first started, was named the Industrial School for Crippled and Deformed Children. The kids didn't like that and they got together . . . and finally changed it to the Cotting School for Handicapped Children.

Billy: Because of their attitudes, some nonhandicapped people are more handicapped than those who are actually physically handicapped—just because of their attitudes.

Reporter: Do people stare at you a lot?

Laura: Yeah.

Reporter: How does that make you feel?

Laura: Angry. But I guess I've learned to accept it more. You realize—maybe like Billy said—that they're the one with the problem. If they have to stare at you, you know.

Reporter: Does it give you some comfort or make you feel better to be among other handicapped people who are in the same boat?

Laura: I think that integration would be a great benefit to almost all handicapped kids. If 150 kids are put into one school, a special school for handicapped kids, the kids who are not there, the so-called normal kids, don't learn to accept those children, and the kids who are handicapped don't learn to live with the so-called normal children.

There are many ways to mainstream children, but the most common method involves the use of a resource teacher working in the school. Tim Sullivan, principal of McKinley School in Butte, Mont., describes how handicapped children have been successfully integrated using this approach:

> The McKinley resource room is an instructional setting to which a child comes for specified periods of time, usually on a regular schedule. The key difference between a resource room and a special education, self-contained classroom is that children attend their special education "home-base" only on a part-time basis. Students are mainstreamed for at least a portion of the day in a regular elementary class.
>
> The classroom teacher and the resource teacher are both responsible for students' academic development while they are in the resource room. The primary goal of the resource teacher is to provide instructional support to both the handicapped students and their regular classroom teachers.
>
> The resource room provides direct and indirect instruction. Direct instruction results when specific needs of the student are diagnosed and remedial procedures are provided. Indirect instruction follows when students are integrated into regular classrooms for social development. Students participate in art, music, physical education, chorus—or any other subject in which they can be successful.
>
> During the first year of the pilot program at McKinley, the staff noted a tremendous change in attitude in most of the students who had been experiencing difficulty. This is partly the result of handicapped students not having to compete above their level of ability in academic subjects, and yet competing successfully with their peers in subjects they can manage. Frustrations were relieved and the resource room has become a place where pressure does not exist because, through encouragement, students are developing new self-concepts.
>
> The second essential feature of the McKinley special education resource room model is that the resource teacher is a member of the staff, and not a visiting teacher. She establishes a working rapport with both teachers and students and is not viewed as an outsider. A teacher who works with handicapped children can learn more about them by observing both curricular and extracurricular activities,

Massachusetts Teachers Give Their Reactions To Mainstreaming

"The special needs children in my classroom receive as little 'special' attention as possible. Once such a child enters my room, he or she becomes part of the group—participating in all the daily activities of a first grader. The other children have reacted positively. They share with them, play with them and learn with them. They have become 'mini-teachers', assisting them when they can and praising them when the work is good. It's heart-warming to see how kind and patient the children can be."

Janet Bellizia, Tarky Elementary School, Woburn, Mass.

"Psychologically, the handicapped children are benefitting. I think they feel 'special' rather than 'dumb.' For the teacher, mainstreaming has been both a help and a hindrance. Teachers who prefer more conventional teaching methods will find it hard to individualize so much and so constantly. Every lesson, it seems, has to be especially adjusted for someone in the classroom. Teachers who can work effectively with special needs children will probably have more of them and be overburdened as a result."

Nancy Joslin, F.A. Merriam School, Acton, Mass.

"In our school, at least, mainstreaming is working more efficiently than anyone dared expect. It has had the effect of helping special needs children become more comfortably familiar, more acceptably different and more frequently included. They pass in the corridors independently. They communicate with other children in class, at lunch, in gym, and before and after school. They have a chance to interact socially with all types of children."

Leonard McGrath, Peabody School, Cambridge, Mass.

(Comments compiled by NEA and Massachusetts Teachers Assn.)

both in the resource room and out. During an initial period when students are being diagnosed and referred to the resource room for special education services, the resource room teacher makes frequent visits to the student's regular classrooms to observe.

It's Not Always Easy

But sometimes the problems are more difficult. Almost all special education directors admit that some severely handicapped or emotionally disturbed children cannot be effectively mainstreamed and will need special education. Still others who need extra and costly care require creative thinking on the part of school officials who want to mainstream them.

Imagine this: You are sitting in a glass booth in the back of a classroom. The teacher is reading from the text and occasionally looks up to acknowledge a question from a student sitting in front of you. Of course, you can only guess what was said.

That is a bit like the situation confronting a deaf or hard of hearing student. The best lip readers can only pick up 25% of spoken conversation, according to most studies, and even then (as in the example) a student's question or a teacher's answer may be blocked from view. As a result, most state and national associations for the deaf are opposed to mainstreaming if it means they can't hold onto special state schools for the deaf.

But one school has shown that it needn't be an "either/or" question. The Sterck School for the Hearing Impaired, Delaware's state school for the deaf, is located on a campus in Newark along with a regular elementary school and a middle school. So the Sterck School, working cooperatively with the two regular schools, is able to mainstream its hearing impaired children.

Sterck uses a "total communication" philosophy—meaning that the children don't rely just on lip reading or sign language, but use all avenues of communication. For example, the regular teachers help by writing on the blackboard, using illustrations or audiovisuals, and by facing forward while talking. Perhaps most important, the hearing impaired students (many, but not all, of whom can hear to a slight degree) have an "interpretor-tutor" who translates the teacher's words into sign language. In addition, a student using signs can ask a question of the tutor. The interpretor-tutors on the Sterck staff are both the voices and the ears of hearing impaired children. Most of the children reside at the school; and there they can also get special help, guidance and counseling, audiological services and other special services that are vital to their success in school.

Chapter 8.

Learning Disabilities: Open to Interpretation

Learning disabilities are probably the most controversial and perplexing type of handicap. It is, as BEH Dir. Edwin Martin Jr. put it, a "Pandora's box" that opens up all sorts of questions about labeling, percentages and formulas.

Many experts frankly doubt the widespread existence of something called a "learning disability." At a learning disabilities conference in New York City, Lillian Zach, a psychology professor at Yeshiva U. (N.Y.) said the term was "confusing, fuzzy," and has "no scientific coherence." Further, "the muddlement as to what it means exists equally among professionals and laymen," she said.

The terms used to describe the learning disabled—"brain damaged, minimally brain damaged, perceptually handicapped, neurologically impaired, developmentally delayed, maturational lag"—are no more clear. Zach added that professionals can't even agree on such basic questions as whether a learning disability is emotional, sociological or neurological in origin.

Some critics have gone even further. Education writers Peter Schrag and Diane Divoky have charged that educators are branding children as "damaged" with no more evidence than some "pseudo-scientific terminology." In a *Learning* magazine article, "If You've Got the Label and Funds, We've Got the Handicapped," they reiterate a rather disturbing finding about special education—that placements are often based on race and social class. Black children are classified in disproportionately high numbers as mentally retarded, while learning disabilities seem to be an affliction of white, suburban children.

Despite such concerns over mislabeling, few professionals seriously contend there aren't some specific learning disabilities. Classically, a bright student with a high I.Q. can't learn to read. The teacher and the parents are puzzled; the child is frustrated. But specially designed tests might reveal that the child cannot correctly perceive letters and symbols.

Psychologist Archie Silver, director of the Learning Disabilities Unit at New York U.'s Bellevue Medical Center, recounts the story of Lennie, a bright, intelligent 10-year-old who was failing in school.

When asked to copy geometric figures, Lennie drew diamonds that "were distorted in a peculiar dog-eared way, as though he could not decide on the direction to take when he had to draw an angle." Soon after this discovery was made 25 years ago, Silver and his partner Rosa Hagin found about 80% of the children who were referred to Bellevue with serious learning problems had the same perceptual disorders. They often could not pick out a figure when it was embedded in a background design. These perceptual problems that lead to reading failures are commonly referred to as "dyslexia."

Early Diagnosis Is Important

But there is another side of the coin. Special education authorities have long contended that a high percentage of juvenile delinquents suffer from learning disabilities and take out their frustration at failure on those around them. Perhaps one of the most heartening developments accompanying the new emphasis on the education of the handicapped is that any child with a learning problem will more likely be diagnosed and

Warning Signs of a Possible Learning Disability

- Failure in reading, spelling, writing or arithmetic, particularly if the teacher says the child could do the work if he/she would only try.
- Poor coordination.
- Difficulty in telling right from left.
- Impulsiveness or overactivity; ease of distraction.
- Confusion in language or speech, failure to understand what is said.
- Frequent display of anxiety or anger because of inability to cope with school or social situations.

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treated early. The numbers suggest that this is already happening.

The types of handicaps being identified and served is changing, and "nothing is more responsible for the changing distribution of special education services than the rapid expansion of resources devoted to specific learning disabilities," say William Wilken and David Porter in their report, "State Aid for Special Education: Who Benefits?" In 1973, they say, only about 7.5% of all special education students were classified as learning disabled. By 1976, the percentage had jumped to 18%, making learning disabilities second only to speech impaired as the most common type of disability. However, regional differences are apparent with the West classifying about 30% of its special ed students as learning disabled, followed by 21% in the North, 17% in the South, and 11.5% in the Midwest.

Because of the ballooning numbers of learning disabled children being identified, some congressmen were reluctant to include this handicap in the Education for All Handicapped Children Act. Rep. William Lehman, D-Fla., was aware of reports of up to one-third of a student body being so classified in the Miami-Dade County schools in his district. So he, along with Rep. Albert Quie, R-Minn., proposed a 2% "cap" on the percentage of students to be funded for specific learning disabilities. Specifically, the law says one-sixth of the number of handicapped children in the school population can be classified as learning disabled, and the handicapped population eligible for federal funding is limited to 12% of the total school age population. However, this 2% stipulation should be viewed as essentially a guideline, since the law also says the "cap" will be dropped when a final, acceptable federal standard for diagnosing learning disabilities is published in the *Federal Register*.

The proposed regulations use the definition put forth by the National Advisory Committee on the Handicapped, and the one used in the law. It states:

> Those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural or economic disadvantages.

But beyond this, BEH made little progress in what Congress asked it to do—which was to develop "specific criteria" and "diagnostic procedures" for determining what **is** a learning disability. After consulting experts in education, psychology and medicine, BEH concluded:

1. The state of the art in the field of specific learning disabilities and its associated fields is such that it is not presently possible to specify exactly all of the components of each specific learning disability. There remain strong opposing professional opinions as to the validity of certain behavioral manifestations as being indicative of a specific learning disability. At present, the only generally accepted manifestation of a specific learning disability is that there is a major discrepancy between expected achievement and ability which is not the result of other known and generally accepted handicapping conditions or circumstances.
2. There exists no hard research data collected on a large enough sample in order to state, with certainty, which are the common characteristics of all learning disabled children.
3. There are several theories as to what causes children to have specific learning disabilities.
4. There appear to be no generally accepted diagnostic instruments which can be singly and appropriately utilized . . . with all such children.

In the absence of specific criteria for identifying learning disabilities, BEH adopted what it called a "severe discrepancy" formula. Thus, it said, "children with extreme achievement problems in relation to their age, ability and previous educational experience, whose learning problems are not primarily the result of another known handicapping condition, are believed to have a specific learning disability." The cut-off point was set at 50% of expected achievement. What is "expected achievement"? It is to be based on the child's age, past educational experience and I.Q. test scores.

The BEH standards received immediate criticism on at least two points—the fact that they made no attempt to define what a learning disability is, and the use of I.Q. scores. Several Capitol Hill staffers who worked on the learning disabilities section of the law were displeased. "Congress didn't want some arbitrary formula," one said. The purpose of giving BEH a whole year to write the regulations was intended to give them and learning disabilities experts time "to come to grips with the problem of defining it." But Capitol Hill doesn't have a better definition to replace it.

Paul Houts, editor of the National Assn. of Elementary School Prin-

cipals magazine, *National Elementary Principal*, called the I.Q. tests "the worst possible instrument that could be used." They are "nothing more than early achievement tests" and "will tell them nothing," he said. Houts also pointed out that some states—like California—prohibit group I.Q. tests.

While being criticized by some as being vague and arbitrary, the BEH formula does have support from some researchers. For example, in a report by the National Institute for Mental Health (NIMH), *Detection and Prevention of Learning Disorders*, several researchers contend that terms like "minimally brain damaged" are misleading and "invidious," because only the smallest fraction of such children have actual brain damage. Such labels, and others like dyslexia and hyperactivity, are usually unfounded and, further, are beside the point, they said. "It should be called by its primary name—it's a learning problem." So, while BEH may have angered some by not trying to specifically define an unclear term, it may also have slowed down the drive for new pseudoscientific labels. If a child is not learning, then the child's got a learning problem. Period.

The regulations also emphasize that the decision must be made by an "evaluation team"—to include the child's regular classroom teacher, a learning disabilities or special education teacher, and at least one other

When Kids Have Dyslexia

Below is a passage from *Moby Dick* as it might look to a dyslexic child. The problems differ from day to day and from child to child.

It is a thiug uot nucommouly happeuiug to the whale-doats iu those swarmiug seas; the sharks at timesaqqareutly followiug them iu the same qresciut way that vnltnres hover over the dauuers of marchiug regimeuts in the east. Bnt these were the first sharks that habdeeuodsrved by the Pepnob since the White Whale habdeeufirst becrieb . . .

diagnostic person, such as the school psychologist, speech therapist or remedial reading teacher. The team must use "individual standardized diagnostic techniques," and at least one team member must observe the child's academic performance in class. If a medical problem may be involved, the team must request a complete medical examination for the child. But that is about as far as the BEH regulations go in prescribing how the child must be assessed. Of course, the problem cannot be "primarily the result of other handicapping conditions," such as "visual, hearing or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage." These guidelines aside, the regulations leave the burden for a decision where it should be—on "clinical judgment," according to BEH Dir. Martin. Questions about the federal regulations should be addressed to Bureau of Education for the Handicapped, USOE, Washington, D.C. 20202.

Causes Still Questioned

While government funding and better diagnosis will undoubtedly increase the number of identified learning disabled children, researchers are still fascinated by its cause. One possibility is heredity. As reported in the NIMH booklet, Swedish psychiatrist Bertol Hallgren investigated 112 dyslexic children and found 88% had relatives with a similar problem. And a 1975 study at the U. of Florida found that of 28 families with a dyslexic child, almost 80% had at least one parent who was handicapped in reading. However, other researchers dispute those high percentages and say, at most, 30% of dyslexic children have relatives with similar problems. Poor prenatal care, birth complications and poor environment have also been suggested, and at least partially confirmed by statistical studies, as possible causes of learning disabilities.

Based on other research, the doctors advise teachers to work to overcome the learning disabled child's particular problem. If he/she cannot recognize geometric forms and patterns, work on that problem. In a control group study, they tried working on perceptual problems with one group and gave remedial reading instruction to another. In the first group, 74% showed significant improvement—first in their perception and then in their reading. However, extra tutoring in reading did not improve the reading level of the second group.

Researchers almost uniformly agree on one point. Learning disabled children can be taught to read if their problems are diagnosed and treated early. And with the new nationwide guidelines and early screening and diagnosis that go along with them, that's exactly what schools will be doing.

Chapter 9.

Training the Teacher

Despite all the talk about federal laws, regulations and court decisions, special education—like regular education—is only as good as the teacher. The best policies on educating the handicapped can't make up for untrained, incompetent or unconcerned teachers. So the federal law, PL 94-142, and its regulations put heavy emphasis on a "comprehensive system of personnel development." That general goal is agreed upon by almost everyone, but that is where the agreement ends.

The controversy over teacher training was brought to a head by a U.S. General Accounting Office (GAO) report in September 1976, which charged that the U.S. Office of Education (USOE) was wasting its training money by producing more special educators while ignoring the more urgent need for inservice training of regular teachers. On this point, neither side has budged an inch.

The arguments go like this: GAO says, "The majority of handicapped school children spend all or most of their school day in regular classrooms under the supervision of regular classroom teachers. The successful advancement of handicapped children depends heavily upon the regular classroom teacher's ability to (1) recognize their learning deficiencies; (2) determine appropriate methods for correcting them; and (3) find the time and resources to put planned methods into practice."

Since its creation in 1967, USOE's Bureau of Education for the Handicapped (BEH) has used its teacher training money to "expand the capacity" of colleges and universities to prepare special educators. GAO disagrees with this policy on two points—the production of special educators is "now adequate to meet the demand," it says, and training funds are more urgently needed for regular teachers.

GAO says the school administrators it surveyed thought inservice training in special education was "vital." In addition, NEA and AFT have set this one "condition" for supporting mainstreaming. NEA Pres. John Ryor, on National Public Radio's *Options in Education*, was asked if most teachers were prepared for working with handicapped children. "The answer is no—absolutely not," Ryor said. "The kind of training that is received in our schools of education deals with the normal

classroom setting, whatever that's defined to be, but is certainly exclusive of handicapped children. It would not be unfair to say that 95% of our classroom teachers have no idea of how to go about dealing with the problems we've identified—whether it's epilepsy or hearing or sight or hyperactivity. Our teachers just are not geared to deal with those specific kinds of learning problems and disabilities." Ryor also added that "if mainstreaming is going to be successful, it is critical that we have teacher centers, retraining centers and inservice programs available at all levels."

On the other side stands BEH and most special educators. GAO's faith in inservice training for regular teachers is "simply unrealistic," says BEH Dir. Edwin Martin Jr. "Inservice in special education for everyone is one of those fads that come along in education. It's talked about as though you could take regular teachers and, in a week-long workshop or summer college course, teach them everything they need to know about learning disabilities, mental retardation, emotional disturbance, cerebral palsy, epilepsy and so on. It can't be done."

Martin added that he favors inservice education on teacher attitudes—or "sensitizing" them to work with handicapped children. The federal regulations which BEH drew up require states to have "ongoing inservice training programs available to all personnel who are engaged in the education of handicapped children." An annual needs assessment is also required to determine if enough "adequately and appropriately prepared and trained personnel are available." In addition, the proposed regulations say states must certify all special education personnel—a requirement that Gary Makuch, Pennsylvania's special education director, called "horrendous." However, Makuch agreed with Martin on inservice training, saying he favored it only for specific purposes, like training teachers to draw up individualized education plans.

Jasper Harvey, director of BEH's division of personnel preparation, also disagrees with some of GAO's main contentions. First, he said, BEH is already redirecting money to inservice training—24.8% was spent for that purpose in fiscal 1976 and almost 30% in fiscal 1977. And BEH is "encouraging" teacher colleges to include three to six hours of special education in their training of regular teachers. Still, federal law sets as the number one priority serving those children who have not been receiving an education, and there is still a shortage of special educators to work with these "low incidence children"—like the blind, deaf or severely handicapped, Harvey said. BEH's estimations of the need for new special education teachers disagree with the assumptions made by GAO. To redirect money away from the areas of low incidence to general inservice training would be violating the intent of the law, he said.

Teacher Supply and Demand

According to the GAO survey, school administrators are changing directions and demanding more general resource room teachers and fewer specialists who will work in self-contained classrooms. For example, in 1974-75, 51% of the special education teachers hired went into self-contained classes for handicapped children, while 31% became resource teachers and 11% were itinerants who traveled among the schools. But two years later, the percentages had reversed. Only 27% of the special ed teachers hired in 1976-77 were assigned to self-contained classrooms, while 47% became resource room teachers.

By type of handicap taught or speciality, learning disabilities teachers and generalists have moved to the fore. Learning disabilities teachers have been in the greatest demand for the past two years, accounting for 10,500 of the 36,000 newly hired special ed teachers. Another 8,300 were resource room teachers and 6,100 were generalists. Despite BEH's emphasis on preparing teachers for the severely and multiply handicapped, the demand was for only 1,000 new teachers for the multiply handicapped and 2,200 for the trainable mentally retarded. These figures back up GAO's contention that funds should be transferred from preparing teachers for the severely handicapped to providing inservice training for regular teachers.

The 'Best' Method?

Harvey also said that what has proven to be "the best inservice training method" is already going on all across the country—without support from BEH or anyone else. It is a special education or resource teacher going into a regular class to work with a handicapped child. Through observing and talking back and forth, the classroom teacher learns much about the skills and attitudes needed to work with handicapped children as well as gaining insight on how to teach the particular child who's in his/her class.

It should be noted that the GAO and BEH did agree on one point—vocational educators are not doing an adequate job with handicapped children. Federal legislation sets aside 10% of state voc ed grants for serving the handicapped, but apparently this has little impact. Because of "apprehension" or just stubborn resistance, voc ed instructors are excluding handicapped children from their programs, GAO says, and it recommends a "major drive" to train vocational educators to work with the handicapped. BEH concurs entirely and, to carry this out, urges a formal cooperative agreement between BEH and USOE's Bureau of Occupational and Adult Education.

GAO also asked school administrators what were the best ways to provide the needed inservice training. Their preferences, in order, were (1) onsite instruction by specialists under contract to the school district; (2) onsite instruction by district special education staffers; and (3) stipends for short-term campus study, like in summer school.

Some common suggestions volunteered by the school administrators surveyed were that inservice training should be (1) onsite and under local control; (2) conducted by "highly competent teaching specialists;" (3) carried on during the school day with release time for participants; (4) should include observing special educators at work; and (5) should allow for follow-up to see how participants are faring. Some also suggested innovative approaches like "periodically cycling" regular teachers into special education classes, or preparing self-study or audiovisual aids to go along with inservice training.

Finally, the roles of special education personnel are changing rapidly. Maynard Reynolds, a U. of Minnesota professor, lists some changes that are taking place—or will in the future—in a paper published by the University Council for Educational Administration:

- Special educators are taking on "support roles" or teaming up with regular teachers, rather than operating largely separate classes or schools.
- Special educators will be less identified with particular categories of exceptionality, such as the mentally retarded or learning disabled.
- Special educators, along with regular teachers, will be doing more in-school diagnosis.
- Specialists like psychologists will do more teaching and will also serve as consultants to regular school personnel.
- Special educators will be more involved in planning children's educational programs, rather than categorizing them by disability.

How Do You Teach?

One problem teachers face is that experts disagree on many points about educating handicapped children. The teaching of deaf children is a good example. Some professionals favor oral instruction—teaching a child to read lips and to speak. Others advocate "signing," or using their hands to communicate words. Since more than 90% of the parents

of deaf children can hear, they usually favor oral instruction for their child. But lip reading is often guesswork, and studies indicate that lip readers pick up only 25% of what has been said. In addition, teaching a child to speak who has never heard is especially difficult. It may take 12 or 15 years of schooling for a deaf child to reach a fifth grade level of language development, and many experts contend that a child who has never heard and has no residual hearing can never adequately master speech.

While hearing parents usually prefer oral instruction, teachers of the deaf more often advocate signing. This philosophy of "total communication"—signing, lip reading and other visual aids—allows deaf children to communicate best with their peers and with those who can hear.

This split over teaching strategies illustrates the concern over mainstreaming. Parents and some general educators usually favor mainstreaming deaf children so they'll learn to adapt to "normal" society. But many deaf children and deaf educators prefer separate residential schools. In a *New York Times* article, two students at Gallaudet College, a federally-funded school for the deaf in Washington, D.C., discuss their reasons for preferring a separate school. Steve Weiner recalled "students were treated like inferior human beings if they were caught signing" at the oral school he had previously attended. Gallaudet students rely more on signing because that's their most effective means of communication, he said. Brenda Liebman also had attended an oral school where she said she learned a lot academically, but she nevertheless prefers the residential school. "At the regular school, I felt inferior to other people, and I could never hope to be a cheerleader. In the residential school, I was one among many, and I was also involved in many other activities." Brenda was a Gallaudet homecoming queen.

Weiner added, "It would be good for young deaf children to start in a day school that uses both oral English speech and sign language so they might be with their families. But adolescents would rather be with their peers. It's the residential school that makes each of them a normal person."

This conflict over teaching deaf children is also apparent among educators of the blind. Some specialists contend that blind children need intensive, separate instruction, while others believe these same children learn more rapidly and develop the needed coping skills by associating with children who can see. The *Times* article also described an exemplary program for the blind in Montgomery County, Md., which combines a bit of both philosophies. At age 2½ or 3, blind children are enrolled in a special program to prepare them for school. But the philosophy is that they should be treated as if they can see. Two

youngsters might be observed wrestling on the floor while a third climbs a ladder and slides down the slide. The children are given a great deal of audio and manual stimulation—talking to the teacher, working large jigsaw puzzles, feeling braille letters, etc. Some common notions to the contrary, blind children do not automatically overdevelop other senses, and without extra help, may suffer lags in other areas.

Teachers are increasingly being aided by new technologies. Blind children are taught to use typewriters and braille readers in most schools. The newly developed optacon, a reading machine that sells for about $3,000, is available in some large districts. It is a small electronic camera that translates printed words into sharp pulsations felt in the child's index finger. An even more promising—but currently more expensive—machine turns printed words into computer-spoken words at a rate of 150 words per minute. Technological developments such as these may revolutionize the teaching of blind and deaf children within the next decade.

Chapter 10.

Working with Parents

One of the real challenges for teachers will be working with the parents of handicapped children. There are many reasons why teachers and parents must work closely together. A simple one is that the federal law, in its section on developing the individualized plan and on due process, requires parental participation. But more importantly, parents have vital information about a child's background and behavior that teachers need. In addition, it's important—for the child's sake—that teachers and parents don't adopt different strategies for working with the child. For example, it's not good if a teacher encourages enthusiastic play while a parent punishes the same behavior.

A U.S. Office of Education Bureau of Education for the Handicapped (BEH) publication on working with young handicapped children begins with this advice—go slow in judging the parents of a handicapped child, because often parents may feel guilt and resentment at having been burdened with a disabled or mentally defective child. One author described the usual parental attitude as "chronic sorrow." Some parents may demonstrate an ambivalence about their child, and others may even be jealous of a teacher who has more success with their child than they do. So in working with parents, handle them with care.

"Even parents of the mildly handicapped—whose children do not have the stigma, the cosmetic impairments and the poor prognoses—will have a dread, a fear and an anxiety that must be recognized and dealt with gently and sensitively by the teacher," writes Jacqueline Crain, editor of the BEH report. "The parent is seldom unwilling to help; those who do rebel are either afraid of further failure or do not fully understand the role of the school," she says.

Since accepting and listening to parents are so important, Crain suggests that teachers ask themselves these questions about parent conferences:

- Did you let the parents talk about whatever they chose?
- Did you remain an acceptant listener?

- Did you remember that you need to ask questions to get at important issues?
- When you made comments, did you talk in terms of the parents' feelings, rather than about what they are doing?
- Were you able to restrain yourself from giving advice?
- Did you remember that suggestions are usually nothing more than advice under a different guise?
- If you did offer suggestions, did you provide more than one so that the parents had options?
- Did the parents do most of the talking?
- Were you able to restate to the parent the feelings they just expressed?
- Did you listen? Furthermore, did you listen because you really cared?

Before meeting with parents, the Council for Exceptional Children—in *Working with Parents of Handicapped Children*—suggests teachers consider these questions:

Should you meet with parents at home or at school? Both places have advantages and disadvantages. In the home, you will be able to observe and see what the child's life is like. Parents will likely feel more comfortable, and they will not have to worry about transportation or a baby sitter. On the other hand, at the school you won't be interrupted by other children or family members. You'll also have ready access to any materials or other things you want to share with parents, and it may be easier to focus on school-related concerns. Of course, the parents' wishes on where to meet may decide this question.

How do you contact parents to arrange a meeting? This is often more difficult than it sounds. Sending a note home with the child is rarely a good idea. Telephoning them at home, not at work, is usually best. Be prepared to offer several alternative times for their convenience.

How do you plan the meeting? If parents have requested it, review the child's work carefully so you can answer any question that is troubling them. If you asked for the meeting, establish some clear goals in your mind, and if necessary write down some objectives for the meeting.

What if you think the child needs to be referred for more help or further evaluation? This can be especially sensitive. Carefully explain your reasons for making the recommendation. And be specific. Say that

Johnny has trouble perceiving letters and numbers, not that he is a "slow learner." Tell parents about the special services you are recommending and offer to make an appointment with a specialist for them, if they choose. You might also put together a referral list. For example, if the child needs a hearing test, you could list names and other relevant information about the doctors, clinics, hospitals, university centers or other agencies that could perform the tests.

Should the child be present at the meeting? Decide this question beforehand with the parents. If the meeting is merely a "get acquainted" session or a chance to demonstrate ways to help the child at home, then the child should be present. However, if it is to discuss the child's progress or problems, then the teacher and parents should meet alone. If necessary, an assistant can remain with the child while the meeting takes place.

What if the parents do not come? You can help avoid this by establishing good relations early and by making it clear that you are looking forward to meeting with them. But if parents still do not show up, try to find out the reason why. They may work late or may have had an unexpected problem that kept them away. Or perhaps they've had bad experiences with teachers or fear what you might tell them. Or maybe they didn't even receive the message about the meeting. If you've tried everything else and have not gotten in touch with the parents, you might contact an intermediary—like a neighborhood social worker, a minister or a physician.

After the initial meeting, parents may request or you may invite them to visit the class. Most parents really are interested in how their child is progressing, and teachers can gain valuable insights from parents' observations. But like with the first meeting, the Boy Scout motto applies—**be prepared.**

On the morning of a visit, tell the students that a visitor will be coming, where he or she will sit and that you are looking forward to the visit. Set some ground rules for the visitor, too, like when they'll arrive, how long they'll stay and, for example, that they'll observe but not talk to the children. Briefly introduce the visitor, and tell the class he or she is Johnny's parent. The purpose of this preparation is so students will not be disturbed or act other than they would normally.

Prepare the parent, also. If you want them to observe particular behaviors, tell them what to watch for. The parents might also have a series of questions to discuss beforehand. Afterward, get their reactions to what they observed.

Such a visit may be the first step to helping parents with their child at home. The parents may have observed with interest how you were handling the child and may want to try out the new approach themselves.

You might explain why you are doing certain things and why they are effective. It is most important that the parents fully understand the child's disability and how it affects the learning process.

Suggest and demonstrate specific activities for the parents to follow. General concepts won't do. And don't expect too much from parents. They have other duties, and often other children, to care for. Pick activities that don't require large amounts of time or a special skill. Also, pick something in which parent and child can succeed, thereby encouraging them to continue.

Here are some guidelines suggested by CEC for choosing teaching activities for parents to use at home:

- Choose an activity which uses skills the child has already developed and combine this with activities where the child has had trouble before. For example, if the child needs to learn the names of colors, but likes to touch and feel things, find a series of colored objects for them to talk about and handle.

- Choose activities that gradually get harder as the child learns. For example, start with only two colors or objects, and move on only when the child has mastered the two.

- Suggest ways to vary the activity without overburdening the parent. This is needed to keep the child's interest and to promote learning.

Finally, here are some suggestions that teachers can pass on to parents who are teaching their children at home:

- Praise your child's successes and the things done correctly, no matter how small they may seem to be. Use physical affection—pats and hugs—as well as words.

- Correct your child by demonstrating the right way of doing something. Rather than saying, "You said that wrong," simply repeat a word correctly.

- Whenever possible, use more than one approach in teaching. Talk to your child, let him or her touch, taste and smell things. Using all the senses is especially important with a handicapped child because several of their senses may be impaired or underdeveloped.

- Be consistent in what you say and do and in the rules the child is to follow.

Chapter 11.

Architecture: Changing School Facilities

Handicapped children were once barred from schools because they weren't suited to the school environment. Now it's up to the schools to change their environments to fit the needs of handicapped children.

There are two key questions here: how can facilities be changed to make possible the mainstreaming of handicapped children, and how can architectural barriers be removed that limit their access to buildings?

In a report called "One Out of Ten: School Planning for the Handicapped," Larry Molloy of Educational Facilities Laboratories (EFL) lists the common adaptations in school facilities to allow mainstreaming. The most common is a resource room. Here, special books, film strips, games, diagnostic equipment and other materials for handicapped children are brought together with special education teachers, aides, psychologists and other specially trained personnel. A handicapped child spends part of the day in the resource room and part in regular classes. Some schools have made their resource rooms so elaborate that all students can use it, and thereby integrate handicapped and nonhandicapped children even in their special facilities.

And of course, special educators can go further in adapting the classroom. June Franklin, a special ed teacher in Franklin, Wis., taught her retarded students how to "survive" in American culture by taking them out of school. The students traveled on buses, trains, boats and planes; visited museums, hamburger stands and department stores; made reservations and bought tickets for concerts; took Red Cross safety courses; and ran a school supply store. Mentally retarded children learn best with direct, rather than abstract, experiences, and Franklin finds her students coming to class excited and eager to learn. As the EFL report says, "For retarded students given to poor self-concepts and a defeatist attitude, pride is their most important scholastic achievement."

A second adaptation can be to use an annex of a regular building. With enrollments declining in many districts, finding available space within existing schools should be getting easier. For example, the Rachel E. Carson Intermediate School in New York City has four floors and was designed for 1,000 students. But when enrollments plummeted, school

officials decided to turn the top floor into a special education center. There, handicapped students are prepared to be mainstreamed into classes on the lower three floors. All the students go together to the lunchroom, assemblies and gymnasium.

In areas where enrollments have been stable or have increased, school officials have built annexes onto existing buildings. Miami's Dade County Schools built annexes onto seven strategically located elementary schools. Children with varied handicaps were served there, again with the goal of gradually mainstreaming them into classes in the rest of the building. Other districts, like Grand Rapids, Mich., built annexes for special groups like the physically handicapped. Some annexes can serve a second purpose, like that of a vocational or career education center. This provides another opportunity to integrate handicapped and regular students.

Using Separate Schools Effectively

A third kind of option is a series of special schools which also enroll regular students. The Fountain Valley, Calif., schools built an integrated special school in each quadrant of the district. One school serves learning disabled and mentally retarded students; a second serves the physically handicapped and students with cerebral palsy. A third has the emotionally disturbed and learning disabled; and the fourth has pupils with visual, hearing or other perceptual disorders. The advantage of this approach is that it allows a school to bring together the necessary special staff and equipment to serve special needs, while at the same time leaving opportunities for mainstreaming. The newest of the four schools, the Plaven School, serves about 100 students impaired by accident, cerebral palsy, polio, birth defects or skeletal disorders along with 330 regular students in grades K-8. The entire building is, of course, barrier-free and is equipped with physical therapy and muscular coordination equipment.

A fourth option is an entirely separate special school, called by some a "magnet center." There are variations here as well, the most obvious being that some centers serve all disabilities while others serve just one type of handicap. For example, in Toledo, Ohio, an old elementary school was converted into a Family Learning Center for deaf children. As its name suggests, parents, brothers and sisters come to the center to learn how to communicate with the deaf child. Again, the goal is to equip the child to eventually move into a regular class, but an important step along the way is teaching the student and the family to communicate fully with each other. School officials said the Family Learning Center had the advantages of making good use of an existing facility, allowing

A Special School for the Handicapped

The Harris Hillman School in Nashville, Tenn., was architecturally designed for handicapped students. As a facility itself, it attends to special needs. Yet it is readily apparent that the main ingredients in the success of the school are the love and dedication of the faculty and staff. Without these key ingredients, the potential of the facility could not have been realized.

About the facility:

Pure play which teaches the student to deal with himself/herself and with peers is an integral part of the multiple handicapped program at Harris Hillman School. The first garden is a court between the learning pods for the younger children. The primary court is a large area with spaces for play and the use of wheeled toys. This area also serves to develop mobility skills as students move around paths composed of textured materials. The court is surrounded by a screen of heavy planting which separates it from a nearby street and an adjoining church.

The primary court is connected by an aggregate walk to the Garden of Five Senses. This includes a series of walkways utilizing various materials and textures and a water sculpture executed by a parent of one of the school's students. Students can sense passage through various spaces and are encouraged to develop their senses to a maximum.

There are provisions for an additional court geared more toward physical activity to be developed as funds permit. This space is adjacent to the indoor play area and can include an earth form slide and courts on which wheelchair students can play games like basketball.

Future plans include a joint school/park program with the adjacent park in which the indoor play area, toilet facilities and exterior classroom spaces will be utilized during nonschool hours and in the summer. This joint use of the park area will keep the handicapped students involved with other sectors of the community.

(Excerpted from the Council of Education Facility Planners *Journal*.)

expensive equipment and highly-trained personnel to be centered in one building, and eliminating the need for costly and time-consuming home visits.

A second kind of magnet center is a specially-designed building for severely handicapped children. One example is the Harris Hillman School in Nashville, Tenn. As described in the Council of Educational Facilities Planners *Journal*, the school can serve up to 300 orthopedically impaired students, many of whom are confined to wheelchairs. An obvious disadvantage of such a center is that the children cannot interact with nonhandicapped children. But at the same time, such a unique and specially designed facility permits adaptations needed to adequately serve these children.

Children are grouped by age into one of five teaching pods. Each pod has an observation room so that teachers, parents and visitors can watch without disturbing the children. The Hillman school does not have a regular gymnasium, which would not be useful for most of its students, but it does have indoor and outdoor play areas. As architect Ed Jordan Johnson notes, "Pure play which teaches students to deal with themselves and with their peers is an integral part of the multiply handicapped program." In short, specially designed facilities like the Hillman school offer advantages to severely handicapped students that could not be found in a regular school.

Eliminating Barriers

Section 504 of the Rehabilitation Act of 1973 requires that architectural barriers for the handicapped be eliminated. This could mean adding ramps or elevators, or perhaps just changing the location of some classes. If a handicapped student wants to take chemistry, a chemistry class must be located in an area that is accessible. Although most changes concern students confined to wheelchairs, alterations for blind and deaf students are also required. For example, elevators should have bells or buzzers to alert blind students and lights to alert the deaf. Signs or room numbers in raised letters are also recommended for blind students. Alterations to toilets, wash basins, water fountains and telephones may also be necessary.

In any case, a school must meet the minimum design and construction guidelines of the American National Standards Institute. Many of these standards are now being revised. For more information on them, contact a state division of special education or director of school facilities. Another good source of information on architectural barriers is the Architectural and Transportation Barriers Compliance Board (Washington, D.C. 20201).

One continuing concern is cost. An inflationary impact report published with HEW's proposed regulations on Section 504 estimated the cost of bringing all existing education buildings into compliance at between $150 and $330 million. The federal handicapped law (PL 94-142) specifically authorizes grants to schools to eliminate architectural barriers, but, so far, the Carter Administration has not requested any funds for this purpose. One avenue worth following is the federal Public Works Capital Investment program. Begun as an antirecessionary job creation program, it specifically lists schools as eligible recipients, and necessary renovations to eliminate architectural barriers would probably rate high among the applications for funds.

Perhaps, too, the potential costs of renovation have been drastically overestimated. An EFL report, "Architectural Accessibility," found many examples where the true cost of renovation was far less than the first "hasty" estimates had suggested. A study by the National League of Cities concluded that the extra cost for accessibility for new buildings was one-tenth to one-half of one percent of the building cost, and about one percent to renovate an existing facility. An HEW handbook, "Design of Barrier-Free Facilities," says, "In most new construction, the additional cost of making a facility barrier-free is negligible and should not interfere with application of the standards. The remodeling of existing structures does involve additional costs which vary widely. However, the value to society of having the disabled population more fully independent and usefully employed outweighs the cost of making facilities accessible."

A U.S. General Accounting Office study also found that the cost of accessibility was often negligible. Its report concludes: "When compared to total project costs, the current cost of altering buildings to comply with American National Standards Institute standards is relatively small. The percentages ranged from .06% to 2.4% of the project cost. However, the cost is even less when accessibility features are incorporated into the original construction program. In all instances, they amounted to less than 1% of total project cost."

The Tax Reform Act passed by Congress in 1976 allows the owner of a trade or business facility to deduct up to $25,000 for expenses incurred in making a building accessible to the handicapped or elderly.

There are also a whole host of architects, organizations and publications devoted to creating barrier-free buildings. Two good sources of information for school officials are the Arts and the Handicapped Project (EFL, 850 Third Ave., New York, N.Y. 10022) and the Council of Educational Facilities Planners (29 W. Woodruff Ave., Columbus, Ohio 43210).

Chapter 12.

While You Do It, Talk About It

Once you have developed a first rate program for educating your handicapped children, let the public know about it. Over the past several years, there have been a barrage of news stories about how school costs are rising while enrollments fall off. "Where's the money going to, besides higher salaries?" is a common question. But few laymen or education reporters realize how many new, and of course costly, services are now being provided for previously ignored handicapped children.

The Education for All Handicapped Children Act has already begun having an impact. A public information officer can draw up a briefing paper (and it should be brief) for the local press describing what the federal and state laws say and what this means for the area's schools. As reference material, you can include copies of the federal or state law, local policies on special education or a key court decision mandating education for the handicapped. Included along with this can be an invitation to visit the district's program for the handicapped.

Mainstreaming has been a particularly hot topic. Unless a reporter graduated from high school recently, he or she would probably be interested in the fact that most handicapped children are being educated in regular classes. Costs will surely be questioned, so get together accurate and detailed figures on the costs of various programs. You need not include this in the briefing materials—but if a reporter asks, make sure you have data on costs readily available.

Two good sources of information on special education, for both a school public information officer and a news reporter, are the district's special education staffers and local parents' organizations. Chances are they can tell you more in a few minutes than you could pick up in days of reading. They may even be more knowledgeable about the school programs than some school officials. If you are a public information officer, you'd be wise to refer reporters to one or several special education teachers. As a rule, they can speak with conviction about the

importance of educating these children who were ignored for so long. The only possible danger is the ever-present one in education—if teachers have succumbed completely to educational/medical jargon and cannot explain programs in lay terms, be sure to keep reporters away from them.

You might also consider showcasing the talents of handicapped children. Many communities have sponsored special Olympics for handicapped children, with competition typically in swimming and track. The Joseph P. Kennedy Foundation has been particularly active in supporting such efforts. (For more information, write the foundation at 1701 K St. NW, Washington, D.C. 20006.)

Handicapped children can also be encouraged to display their talents in art, music, handicrafts or drama. Events like these have many benefits. Handicapped children get to prove to themselves and others what they can do if given a chance. And the general public will become more aware of the educational opportunities available to disabled children. Federal and state laws require public schools to carry on active "awareness campaigns" to let parents of handicapped children know that their child has a right to an education. A good public information program can be a key ally in this vital effort.

Organizations Working with the Handicapped

National

Council for Exceptional Children
1920 Association Dr.
Reston, Va. 22091
(703) 620-3660

National Assn. of State Directors of Special Education
Suite 610-E
1201 16th St. NW
Washington, D.C. 20036
(202) 833-4218

Arts

Educational Facilities Laboratory
850 Third Ave.
New York, N.Y. 10022
(212) 751-6214

Physical Education

Physical Education and Recreation for the Handicapped
1201 16th St. NW
Washington, D.C. 20036
(202) 833-5547

Careers

President's Committee on Employment of the Handicapped
Washington, D.C. 20210

American Rehabilitation Counseling Assn.
1607 New Hampshire Ave. NW
Washington, D.C. 20009

National Rehabilitation Service
1522 K St. NW
Washington, D.C. 20005

Visual Problems

American Foundation for the Blind Inc.
15 W. 16th St.
New York, N.Y. 10011

American Optometric Assn.
7000 Chippewa St.
St. Louis, Mo. 63119

American Printing House for the Blind
1839 Frankfort Ave.
P.O. Box 6085
Louisville, Ky. 40206

Hearing and Speech Problems

National Assn. of Hearing and Speech Agencies
814 Thayer Ave.
Silver Spring, Md. 20910

American Speech and Hearing Assn.
9030 Old Georgetown Rd.
Bethesda, Md. 20014

Motor Problems

Assn. for the Aid of Crippled Children
345 E. 46th St.
New York, N.Y. 10017

National Easter Seal Society for Crippled Children and Adults
2023 W. Ogden Ave.
Chicago, Ill. 60612

Learning Problems

Assn. for Children with Learning Disabilities
2200 Brownsville Rd.
Pittsburgh, Pa. 15210

National Assn. for Retarded Children Inc.
2709 Avenue E East
P.O. Box 6109
Arlington, Texas 76011